

499. 15
(5)
CONSIDERATIONS
Upon the INSTITUTION of
MARRIAGE.

498. 6. 29
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WITH SOME
THOUGHTS
CONCERNING THE
FORCE and OBLIGATION
OF THE
Matrimonial Contract.

Wherein is considered,
How far *DIVORCES* may, or
ought to be allowed.

By a GENTLEMAN. K.
Humbly submitted to the JUDGMENT of the
IMPARTIAL.

*Great is the Truth, and Stronger than all Things.—
As for the Truth it endureth, and is always Strong, it
liveth and conquereth for evermore.— 1 Efd. iv. 35, 38.*

L O N D O N:

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To the Unbias'd

R E A D E R.

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I*t is not the Purpose of the following Sheets, in any Sort to depreciate the Ordinance of God, or to lessen the Obligation by Him laid on Mankind thereby; But to search into the true Extent, Design, and Intention of his Sacred Institution: there being no sure Way of walking in all the Com-* Luke i. 6.
mandments and Ordinances of the Lord blameless, than to know rightly what is the Will of God.

The Holy Ghost hath recorded the Nobleness of the Bereans to all Ages, because they received the Word Acts xvii.
with all Readiness of Mind, upon this only Founda- 11.
tion, that their so receiving it, was, from their daily searching the Scriptures, whether those Things were so. And the Anathema which closes the whole Canon of Holy Scripture, denounces, that If any Man shall add unto these Things, God Rev. xxii.
shall add unto him the Plagues that are written 18, 19
in this Book; as well as that if any Man shall take away, — God shall take away his Part out of the Book of Life.

We have frequently wonder'd at the Inconsistency which is abroad in the World: How different a Representation of Marriage the same Persons make before and after its Consummation. On the one hand, we are bid to believe, that previous to its Solemnization, the Parties purposing to enter into that Holy Estate, are hardly to suffer the Thoughts of Carnality to come under their Considerations; but are told, by no less Authority than the Office in the Publick Liturgy, in the introductory Discourse to be used by the Priest, that we must view it only in a Spiritual Light, as a Signification of the Mystical Union between Christ and his Church, and as such, we are forbidden to take it in hand unadvisedly, or lightly; and particularly with an express Interdict of the Design of satisfying Men's Carnal Appetites, but reverently, discreetly, advisedly, soberly, and in the Fear of God, duly considering the Causes for which it was ordained. Agreeable to which Admonition, one of the Causes there immediately following, and which in the ensuing Tract we shall shew to be the Chief and Principal Cause and End of Marriage is, that it was ordained for the mutual Society, Help, and Comfort that the one ought to have of the other both in Prosperity and Adversity. But now, as if one more Mystery were in it, than has yet been discovered, or than is discoverable by the Reason of Mankind, altho' that Reason be given him from God, for his Guide through this World, as soon as the Priest has tied the Marriage Knot, we are talked to, in a Strain quite varied from the Former,

TO THE UNBIASED READER.

mer, as tho' by some impious Kind of Superstition, little differing from Charming, or Conjunction, (to use the Words of a late considerable Divine of the Church of England, in relation to one Part of the Office) as tho' by some Magical Transmutation, the Carnal Part were the only Cement and Tie of this Mystical Union: For then let the mutual Society, Help, and Comfort, that the one ought to have of the other both in Prosperity and Adversity, be never so entirely wanting; let there happen never so much Contrariety to all possible Signification of the Mystical Union between Christ and his Church; let never so many other Matters appear, which, before the Priest's Ceremonial Words had been pronounced, would by all Mankind have been adjudged to be such Impediments, as that the Parties could not be joined together by God, nor their Matrimony be esteemed lawful; Yet still, so long as the Carnal Part quadrates, the Vinculum Matrimonii still continues in full force, from that Carnality only, which before Marriage was not to be any Part of the Consideration or Motive to marry; nor can such Bond be dissolved, but from a Carnal Cause alone.

How contradictory soever this be to Right Reason, not to say Common Sense; yet such is the Temper of Mankind, that whosoever shall have the Hardiness to start a Theorem any ways gainsaying the reigning Opinion of the Age, is sure to meet with Opposition enough from Prepossession, even where Reason is ready to yield. We cannot therefore better conclude this prefatory Discourse, than in the Words of a very
learned

TO the unbiased READER.

learned Divine. "We are sensible it will be much our
 "Interest, that the Reader of the following Sheets
 "be of an ingenuous and unprejudiced Temper, and
 "not so much use Book-learning and Scholarship, as
 "good Natural Sense to distinguish True and False
 "herein: It often happens that Schoolestick Education,
 "like a Trade, does so fix a Man in a particular
 "Way, that he is not fit to judge of any Thing that
 "lies out of that Way; and so his Learning be-
 "comes a Clog to his Natural Parts, and makes him
 "more indocile, and more incapable of new Thoughts,
 "than those that have only the Talents of Nature.
 "Just Reasoning, and a generous Love of Truth,
 "whether with or without Erudition, is that which
 "makes us most competent Judges of what is true.
 "And further than this, in the perusal hereof, as
 "to the Author, as much Candor as you please;
 "but as to the Work, we ask nothing but Atten-
 "tion and Impartiality.

E R R A T A.

PAGE 1, of the Preface, line 8, for sure, read *sure*.
 Pag. 30, lin. 25, dele highest, (being twice printed.)
 Pag. 40, lin. 26, for stipulated, read *stipulating*. Pag.
 58, lin. 2, for there, read *here*. Pag. 66, lin. 20, for
 appeareth, read *appearing*. Pag. 77, lin. 4, for neither,
 read *either*. Pag. 127, lin. 4, dele *no*. Pag. 136, lin. 27,
 for led, read *let*. Pag. 141, lin. 7, for and, read *but*. Pag.
 144, lin. 8, over-against that Line is omitted the Marginal
 Note, *Reform. Leg. Eccles. Fol. 51, 52. Cap. 10, 11.*

CONSI-



CONSIDERATIONS
UPON THE
INSTITUTION
OF
MARRIAGE, &c.



THE Holy Estate of *Matrimony* having been instituted of God in the Time of Man's Innocence, signifying unto us the mystical Union that is betwixt *Christ* and his *Church*, as the *Liturgy* of the Church of *England* speaks, in the establish'd Form of Solemnization thereof; and being an Institution which is to continue to the End of Time, is therefore necessary for all Men to form a true Judgment of: Both those who intend to

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enter

enter into that Estate, the better to fix in in their Thoughts a right Apprehension of the Engagements they are thereby to take upon them; and likewise those who are already under the Tye of Wedlock, duly to consider the Duties incumbent upon them in that Estate: And this, for the quieting of their Minds, under any Doubts, which the various Occurrences of Life may subject them to. For which Purpose, we conceive there cannot be a better Method taken, than what in the following Tract we shall attempt.

First, to consider what are the *Ends* of Marriage set forth in Holy Scripture; and what *Qualifications* are requisite in the Parties entering into that Estate, to capacitate them to answer those Ends.

Secondly, to search into that Sacred Book, whether this be such an Estate, as, when once enter'd upon, becomes *absolutely indissoluble* during the Joint-Lives of the Parties; or may afterwards be rendered *null* and *void*, and from what Causes.

Thirdly, whether in any, and what Cases or Circumstances, either Party is at Liberty to live separate from the other, while the *Bond* of Marriage between them is existing.

Fourthly,

Fourthly, to examine what Objections may be to the Opinions which, from Scripture and Reason, we shall have formed; and to give such Answers as, shall seem to us, to be agreeable with Truth. And then conclude with a brief Recapitulation: Leaving it to every Man's Conscience to judge as impartially, as the *Author* has endeavoured, throughout the Whole, to deliver his sincere Sentiments; carrying along with him through this Work, the Remembrance that he is to answer no less for this Undertaking, than for all his other Actions, at the Great Day of Accompts.

To begin then. *First*, We find, that ^{First.} the several *Ends* of the Institution of *Marriage*, as they are set forth in Holy Scripture, and, as thence collected by the Church of *England*, are stated in her Office for the Solemnization of Matrimony; and which are indeed *all* the Ends imaginable for such an Institution, are these Three.

First, It was ordained for the Procreation of Children, to be brought up in the Fear and Nurture of the Lord, and to the Praise of his Holy Name.

Secondly, It was ordained for a Remedy ^{2dly} against Sin, and to avoid Fornication,

tion, that such Persons as have not the Gift of Continency, might Marry, and keep themselves undefiled Members of Christ's Body.

3dly Thirdly, It was ordained for the mutual Society, Help, and Comfort that the one ought to have of the other, both in Prosperity and Adversity.

Let us briefly consider each of them.

1st And, First, It was ordained for the Procreation of Children, to be brought up in the Fear and Nurture of the Lord, and to the Praise of his Holy Name.

Gen. i. 27, 28. Which End of Marriage, we find mentioned in the first Institution thereof in Paradise, in these Words: So God created Man in his own Image, in the Image of God created he him: Male and Female created he them. And God blessed them; and God said unto them, be fruitful and multiply and replenish the Earth.

Now this End of Marriage, as stated by our Church, consists of two Parts; the meer Procreation of Children, and the Religious Education of such Children.

To take these two Parts separately, seems not at all the Intent of the Church in this Account of the End of Marriage; for that

that if the Procreation of Children *alone*, and distinct from the pious Education of them, were to be One End of Marriage, there does not appear any possible *Religious* Reason why that Propagation might not have been left to Mankind in the same Latitude as that Act of Nature is to the Animal Part of the Creation, and probably might so, have as fully answered the Blessing or Command to *be fruitful and multiply*, as by confining it to Marriage, from which many Persons, on unblamed Temporal Considerations of Prudence, do abstain, whose natural Constitutions would be much more likely to supply the World with robust healthy Generations of Mankind, than can be expected from some married Couples. And the chief End of Man's Creation being, that by serving his Maker here, he may be by him made eternally happy hereafter, the training up of Children thereto, must be much more the Intent of Marriage, than the bare Propagation of them; the one, tho' equally necessary, being in Dignity inferior, and only in order to the other: And therefore we may reasonably believe, that the Intention of the Creator, in establishing the Estate of Matrimony,

mony, was, that by the joint Cares and Study of the Parents, linked in all the Tyes of mutual Affection, the Children might have the Principles of Piety and Religion instilled into them more advantageously, than could, with any probability, be expected in such a promiscuous Manner of propagating Mankind, as would have been without this Institution.

This End of Marriage then must be necessarily taken altogether, as *one* intire Position, tho' as principally regarding the latter Part thereof, to which the Former is but subservient: And as such, it is requisite, in order to the answering this End, that the Parties be such as are capable of taking Care of, and educating their Children, as well as to be the Instruments of their *Being*. But now, the Care and Education of Children, both with respect to their Bodies and Minds, is by *Nature* given all along to the Mother, in a much greater Proportion than to the Father: For, not to mention the first Indication of Nature, in having allotted to the Mother so much a greater and longer Part in what is previous to their coming into the World, than she has to the Father; in their most tender Age, the Care then

then due to them is such, as the Father is not at all capable of performing; and from thence, through all the Stages leading to their Age of Maturity, it seems to be chiefly the Mother's Province to manage both the Care of their Bodies, and the Cultivation of their Minds, she being by Nature appointed to a more Domestick Life than the Father, to whom other Affairs become his more immediate indispensable Duty, and who not seldom (of what Rank soever he be) has such Duties incumbent on him, with regard either to the Publick, or his own particular private Concerns, as must necessarily employ his Time, and draw his Thoughts abroad, and which he should be criminal in neglecting, tho' such Neglect were purely to mind that other Part of his Duty, the Care of his Children: And what soever Leisure a *Man* may have for applying himself to *that* Care, yet there are numerous Parts of the Business and Thought necessary to the due Education of them, especially of the Daughters, as a Man cannot, and some which would be indecent for the Father to seem to have any regard to. But if the Education of Children were as incumbent upon, as being by God and

Nature made as much the Province of the Father, as it is of the Mother; yet when a Father has taken all the Pains, and been as industrious and assiduous in his utmost Endeavours for the well breeding up his Children, as by his own Abilities, and his constant invoking the Divine Aid, he is capable of being; yet still, if he be linked to a Woman of such natural Disability of *Mind*, and of such an evil and malicious *Spirit* as to discharge no Part of the Duty of a Wife, and who particularly is not only totally remiss in taking Care of her Children, but corrupts their Morals by the evil Influence of her Indiscretions or Malice, and who must be so constantly amongst them; she may, and probably will, in a few Hours, outweigh and defeat all or great Part of the good Effects of many Months or Years Labour and Study of the Father for the good of his Children: Since there is nothing more certain, than that *Example* has much more Operation upon Children, than the best *Precepts* that can be laid down to them.

It appears therefore, that *such* a Wife, is so far from answering this *first* End of Marriage, both by her Inability to take Care of her Children, and especially from her bad Example,

Example, if not evil Instructions to them; that there is nothing can be a greater Obstruction and Impediment, or be more likely to defeat the Attainment of *this End*, viz. *the bringing them up in the Fear and Nurture of the Lord, and to the Praise of his Holy Name.*

Another End of Marriage, we find mentioned in the first Institution thereof, in these Words: *And Adam said, this is now* Gen. ii. *Bone of my Bone, and Flesh of my Flesh:* 23, 24. *She shall be called Woman, because she was taken out of Man. Therefore shall a Man leave his Father and Mother, and shall cleave unto his Wife; and they shall be one Flesh.* And is thus stated by our Church.

Secondly, *It was ordained for a Remedy* 2dly *against Sin, and to avoid Fornication; that such Persons as have not the Gift of Continency might marry, and keep themselves undefiled Members of Christ's Body.*

The former End may be said, in some Sense, to be Compulsory, or laying a Duty on such Persons to Marry, as are capable of propagating their Species, and disposed to educate their Children in the Fear of God: This *Second End* consists, not so much of

strict Obligation to enter into Wedlock, as of Direction how to avoid Sin, *only* when a Person finds he cannot live Chastly in a single State.

Now it must be granted in general, both from Reason, as well as the Word of God, that there is much more likelihood to avoid Fornication, where a Person has in Wedlock a Meet-Help of gratifying his or her Carnal Appetite, than in a State of Celibacy: But then, *rightly* to avoid Fornication, or to be pure and chaste in a *Gospel Sense* (which is what we must presume the Church to have principally in her Intention, unless she would lead the Souls of her Children into Error, instead of nourishing them with *the sincere Milk of the Word*) we are to consider, that the coming of *Christ* in our Nature, was chiefly to reform Mankind in the inward Frame and Disposition of their Minds; that by the Precepts *he* has given us, we are required to be chaste in our *Thoughts*, as well as in *Act*: and that according to *his* Laws, the Impurity of the *Mind* is a Sin of the same *Species* (what Proportion of Degree it bears, is another Consideration) as a sinful *Act*: Nay, to speak properly, it is the *Impurity of the Mind*,

1 Pet. ii.

2.

Mind, in which consists the very Essence of the Peccantness or Guilt of any Sin, and *not* in the *Bodily Act*; for the *Conception of* ^{James i.} *Lust* is what *brings forth* the Sin. “ And ^{15.} “ tho’ the first sudden Thought presented “ to the Imagination is not to be attributed “ to *us*, because there is not time for Reason to interpose; yet as soon as we assent “ to a Thought, then that Motion of the “ Mind is by us made our *own* Thought, “ and if a criminal Thought, makes our “ Minds criminal, tho’ such Thought proceeds no further than to be an allowed “ Act of the Imagination only.”

Now although it neither can with Decency be express in plain Terms, nor can be made out to others by any sort of Proof or Definition, but must depend on the Veracity of the Man, speaking his Conscience in the Presence of God; yet it cannot be denied, because impossible to be contradicted, that a Woman may happen to be of such a Constitution, or there may be such odious innate Qualities in her, that altho’ she be capable, and perhaps but barely capable, of the Act of Copulation, as yet may render her so extremely distastful and offensive, and be such a check
and

and allay to, instead of exciting any Carnal Appetite in a Man, that it may be almost impossible, *from any Thing in her*, for a Man to be heated to such a Degree of Desire as to be able to perform an Act of Generation, without at the same Time admitting his Imagination to entertain some other Idea than what *such Woman* excites in him. A Man then, linked to such a Wife, as of whom he can *so* say, with a Consciencious Justice, and without being chargeable of maliciously giving causeless *Occasion of Speech against her*, may be reduced to this Dilemma, either not to pay *due Benevolence*, as required by St. Paul; or to *do Evil that Good may come*, which is forbidden by the same Apostle, with a most vehement Detestation: Unless it should be granted, which would be pretty bold to affirm, that the indulging or entertaining an impure Thought, when only with intent to bring himself to a capacity of performing an Act of Duty, ceases to be a Sin, from the Purpose and Intent of it, which if done without that Intention, would be sinful.

“ But no conjuncture of *Circumstances*
 “ whatsoever (says a great and learned
 “ Prelate) can make that *expedient* to be
 “ done,

Deut.

xxii. 17.

1 Cor. vii.

3.

Rom. iii.

8.

“ done, or thought, at any Time, that
 “ is of itself and in the Kind *unlawful*,
 “ not even for the Maintenance of the
 “ Lives of ourselves or others, nor yet, if
 “ that could be imagined possible, for the
 “ Salvation of a Soul, no not for the Re-
 “ demption of the whole World.”

As then this may happen to be the Case,
 this *second* End of Marriage is not then
 attained, in as much as that a Man finds
 not a Remedy for the Sin of *Fornication*,
 taken in our Saviour's Sense, of the *inward*
Impurity and *Lusting* of the *Mind*. And
 therefore, if a Man so wedded, does, in the
 Course of many Years Marriage, wherein
 he has frequently been necessarily absent
 from his Wife many Months together, upon
 that Experience find, that by a total, or long
 Separation from her, he can, not only refrain
 from any forbidden *Act*, but is less subject
 to any impure *Thoughts* or *Inclinations*,
 than when he cohabits with such a Wife
 as with whom he can have no desire of
 Copulation; and that in compelling him-
 self to Acts of Generation with her, his
 Inclinations receive less Allay and Satis-
 faction than by a total abstaining; “ For
 “ which there is a very strong Reason from
 “ the

" the Nature of all Habits, Good, Bad, or
 " Indifferent, that the Custom and frequent
 " Practice of any Thing, begets in us a
 " Faculty and Easiness in doing it, it bends
 " the Powers of the Soul, and turns the
 " Stream and Current of our Animal Spirits
 " such a Way, and gives all our Facul-
 " ties a Tendency and Pliableness to such a
 " Sort of Actions:" and therefore, by a
 total Abstinence, he may be weaned from,
 or less under Subjection to the Power of
 those Thoughts, which the frequent Repe-
 tition of the Act must needs give his Mind
 a bent unto; for which, if it do not meet
 with a Complacency in the Wife, it will
 naturally crave for it elsewhere. If the
 Case then be thus, it seems to be an In-
 dication from Heaven, that it is allowable
 for *such* a Man, under *such* Circumstances,
 to refrain Cohabitation with *such* a Wife;
 and that in such refraining, his Purity is
 preserved by a supernatural Power. For
 as we are on the one Hand to be careful
 not too forwardly to attribute an indiffe-
 rent Action to the immediate Influence of the
 Holy Ghost, when probably it may be
 from some natural Cause within our own
 Power; so on the other Hand are we to
 take

take heed of neglecting to observe the Providence of God imperceptibly preserving his Creatures from Sin: For we being to attribute all the Good we do, and the Restraint from all the Evil we forbear, not at all to ourselves, but intirely to the Grace of God; we have still the more Cause to impute to the Assistance of his Holy Spirit, our refraining from such Sins as are, in a greater Measure than others, out of our own Power, and by our own Strength, to forbear: and if preserved by the Divine Power, may piously be believed to be acting conformably to the Divine Will.

A Wife then, by Cohabitation with whom, a Man experimentally finds to be, rather an Incentive to some Impurity of the Mind, than a Restraint from that Sin of Fornication, which is this second End of Marriage to remedy; seems no ways to answer *this* End, but rather becomes a Snare and Temptation to lead a Man into some Irregularity (of the *Mind* at least) prohibited by the Law of God.

Another End of Marriage we also find in these Words: *And the Lord God said, it is not good that Man should be alone:* Gen. ii. 18.
I will

I will make him a Help Meet for him.

And is thus stated by our Church.

3dly *Thirdly, It was ordained for the mutual Society, Help, and Comfort that the one ought to have of the other, both in Prosperity and Adversity.*

This, altho' placed by our Church as the *Last*, in her Enumeration, (for what Reasons we don't now Enquire) yet is in itself both the most *Noble*, most *Universal*, and likewise the *Primary* End of Marriage, intended of God in the Institution, and is so admitted to be by pious and learned Men; and is so *essential*, as to be in no small Degree necessary for attaining the other two Ends thereof.

That it is the most *Noble* End, by how far the Pleasures and Comforts of the Mind and Soul, are valuable beyond the Gratification of a Bodily Appetite common to Humane Nature with Brute Creatures, is so self-evident, that it can be denied by none, save such whose Souls are totally sunk into Flesh and Sense.

That it is the most *Universal*, as being the only End of all the three, which can constantly and perpetually attend all Marriages, is certain, for that there are many
of

of both Sexes who Marry when arrived at Years beyond the Possibility of having Children, and as little Likelihood of needing a Remedy against Fornication; and therefore in *such*, those *two* Ends have no Place, while yet such Marriages, where none but this *one* End is attainable, are not condemned, either as unlawful or inexpedient. Nor may we here omit to observe, that in the most sanctified Wedlock which has yet been, or ever will be, since the first Establishment, till the ultimate Period of this Holy Ordinance, *viz.* that of *Joseph* with the *Blessed Mother* of our *Lord*, it is by many believed, that *this* was the *only* End of the Institution, which in that Marriage was either had, or sought for.

And being both the most *Noble* and most *Universal*, was probably therefore, in the first Institution in *Paradise*, the *Primary* End intended by the Creator, *It is not good for Man to be alone, I will make him a Help Meet for him.* Which *Meet Help* must needs be chiefly for *Society*, to remedy his Loneliness of Conversation; for with regard to *Carnality*, *Adam* could at *that Time*, when these Words were uttered, scarce have any Idea of Loneliness, or the

Want of a Meet-Help, while there was no Object as yet existing, to actuate any carnal Appetite in him, which therefore he probably as yet felt not any Motion of, tho' the Appetite was already implanted in his Nature: And the Blessing or Command to be *fruitful and multiply*, tho' placed by *Moses* precedent to the other, in his short Recital of the Creation, yet may be justly doubted whether, with respect to Mankind, it was first pronounced of God; or however spoken in point of Time, was no ways differently conferred or laid on Man, than on the Beasts of the Earth, and even the meanest Reptiles; the same having been pronounced the Fifth Day concerning the Fishes of the Sea, and the Fowls of the Air, being the Day of their Creation; as it had been likewise on the third Day, with respect to the Fruits of the Earth, after they were formed by the Creator: And if, by being placed by *Moses* before the other, must be necessarily understood as pronounced prior to it, can either relate only to the Animal Part of the Creation, exclusive of Man, or must be spoken of Man by way of Anticipation only, there being at ~~that~~ Time (if we are to take every Thing to have
been

been spoken, or done in the Course and Order wherein *Moses* relates them) no Woman made for Mankind to be propagated from.

And this further Reason there is to understand this *Meet-Help* in the Sense we take it, that in this Account of the Creation, *this* is the only Text wherein we find mention of *this End* of Marriage; and the *other two*, viz. the Procreation of Children, and the avoiding Fornication being elsewhere mentioned (as we have already shewn) the Former in *Gen.* 1. 28. the Latter in Chap. ii. 24. If this *Meet-Help* here spoken of in Chap. ii. 18. is to be understood of either of the *former* Ends, it would follow, that one or both of them must be twice provided for, and this of *Society, Help, and Comfort*, not at all taken Notice of in the Account given by *Moses* of the Original Purposes of this Ordinance: yet certain it is, that when God would provide for answering those *other* Ends of his own Institution, which are but temporary, and through length of Age in a Man do often cease; he would provide at least as effectually for *that* End which will be commensurate with Man's Duration in this World; nay, is a

Faculty of Soul which is to continue with, and be exercised by him to all Eternity.

And as this is the most *Noble*, most *Universal*, and *Primary* End; likewise is it so *Essential*, as to be in some degree necessary towards attaining the other *two*: For as it is not the *Body* that feels and is sensible even of *sensual* Pleasures, but the Soul by its *Union* to the *Body* that feels them, tho' the *Body* be the *Instrument* of them; so, unless there be some thing engaging in the *Mind* of the Person with whom Cohabitation is to be had, there can be so little Inclination to the bare *Corporeal* Act, that we conceive any Man of the most sensualized Soul, if he would acknowledge the Truth, must confess, that after a very little carnal Converse with the most exquisitely framed *Body*, the future Course of his Satisfaction therein, proceeds chiefly (not to say wholly) from something he finds pleasing in the *Mind* and *Conversation*, more than merely in the *Body* separately considered; and that without some such Attraction of the *Mind*, the natural Desire would wholly decay. Or could a Man force himself to repeated Acts of Copulation, under a total Privation of any Satisfaction, or Inclination

tion of his Mind, and much more under an invincible Aversion of Appetite towards the Person, it must necessarily render it such a languid jejune Act, as would probably produce only an effete weak Generation of Children; and whether the Thought that the *Soul* is also derived from the Parents be true or not, yet from the Influence which the Body hath upon the Soul in their Union together, must, in some degree, cause weak and debased Spirits: Nor could the Father's Affection to such Children in all likelihood be so strong, as where he begot them with a Delectation of Thought; nor his Care and Endeavour for the well educating and breeding them up, be so sanguine, further than as Reason and Religion might out-sway the Indolence of his natural Disposition.

Now supposing a *Wife*, who after all possible Endeavours of her Husband to teach and infuse into her the Obligations of *that* Relation, is of such a natural Defect of Reason, as to be totally incapable of being, either any Conversation, or any ways assistant or useful to her Husband, intirely negligent of, and indifferent towards all his Affairs; totally insensible of any Subjection or Duty she owes him, and contemning all Advice

or Instruction therein; excessively hasty and passionate; extremely stubborn, surly, and ill-natured; guilty of Freedoms which only want of Sense can excuse from Indecency and Immodesty, yet angry when admonished thereof; very unjustly reflective on her Husband's Good-Name; perfectly remiss in any Care of her Children, and through Indiscretion, or Malice, infusing Notions into them, tending to create in them a Contempt and Hatred of their Father, and to corrupt their Morals; and who, through the whole Course of many Years Marriage, never did an Action that could look, either like a Desire of gaining the Affections of her Husband; or a Regard to her Marriage Vows: Such a Wife is so far from answering this *third* End of Marriage, in any one of the three several Terms by which the Church describes it, of *Society, Help, and Comfort* that the one ought to have of the other, that she is diametrically the contrary to every one of them; for nothing can give a Man less Society, Help, and Comfort, than being linked to such an *unsociable, helpless, uncomfortable* Companion; and is so much worse than *being alone*, which was the Defect God intended by
 Marriage

Marriage to cure, as it is more desirable to
 be annihilated, than to live in unconceivable
 Torment, the dread of Misery having the
 strongest Operation upon Human Nature,
 stronger, if one may so speak, than the
 strongest Inclination or Aversion of Nature;
 for the strongest Desire of Nature is that of
 Life, and her greatest Aversion is against
 Death; yet even these are overcome by
 the Dread of Misery, as St. John tells us,
 that *by reason of Torment, Men shall seek* Rev. ix.
Death and shall not find it, and shall ^{6.}
desire to die, and Death shall flee from
them. And in Job, *Wherefore is Light* Job. iii.
given to him that is in Misery, and Life ^{20, 21,}
unto the Bitter in Soul? ^{22.} *which long for*
Death, but it cometh not, and dig for it
more than for hid Treasures; which rejoice
exceedingly and are glad when they can
find the Grave? And if not lawful to sepa-
 rate from such a Wife, has the greatest
 possible Aggravation, from the Considera-
 tion of its Duration, to continue for Life;
 far from this Being any Argument for Con-
 tentment under it, as some, who feel not
 what such a Calamity is, do fondly teach.
 How much more miserable it is to live
 with such a Wife, than to be alone, is

Prov. xxi. elegantly determined by Solomon: *To live*
 9, 19. *in a Wilderness or Corner of a House-Top,*
rather than with a contentious, angry, and
brawling Woman in a wide House; and by
 redoubling, to make it more emphatical, is

Prov. xxv. repeated by him: And again, *An odious*
 24. *Woman when she is married is a Thing the*
 Prov. xxx. *Earth cannot bear.* And as the wise Son
 21, 23. of Sirach observes: *A wicked Woman*
 Eccl. xxv. *abateth the Courage, maketh an heavy Coun-*
 23. *tenance, and a wounded Heart: A Woman*
that will not comfort her Husband in
distress, maketh weak Hands and feeble
Knees,

Such a Wife then, as before described, is
 so intirely incapable of answering this *third*
 End of the Institution, that she is fitted
 only to be an absolute Impediment to the
 attaining any *Degree thereof.*

If then it be a Man's Lot to meet with
 such a Wife as is an Obstruction to, instead
 of answering *any* of the Ends of this Insti-
 tution; that is to say, *First*, that she is so
 totally incapable to take Care of, or *breed*
up her Children in the Fear and Nurture of
the Lord, and to the Praise of his Holy
Name, that it must be wholly the good
 Providence of God which can defeat the
 evil

evil Influence of her bad Example, and worse Instructions to them: *Secondly*, that she is of such natural hateful bodily Qualities, as that the Cohabitation with her becomes rather an Incentive to unlawful Desires, than any Restraint from Fornication, as it is an Impurity and Straying of the *Mind*: And *Thirdly*, that she is the perfect Reverse of all that *Society, Help, and Comfort* which was intended to be had in the married Estate, and which we have shewn to be the *principal* Intent thereof: We conceive it could never be the Design of the Allwise Institutor, to include within his *general* Institution, such *particular* Cases, so circumstanced, as upon Experience appear in their very Nature to be contradictory to *every End* thereof; especially to *that End* thereof, without which, the Life of Man, even in *Paradise*, was by God himself judged to want something of *Compleatness*: for God is not the Author ^{1 Cor.} of Confusion, but, of Peace. ^{xiv. 23.}

But because whatsoever the frail, weak, and imperfect Wisdom of Man may suggest, must yield to the unerring Wisdom of God, which must silence all Humane Reasoning: It is necessary, *secondly*, after having already ^{Secondly.} seen

seen in *Holy Scripture* what are the *Ends* of the first Institution of this Ordinance, to search *there* also, and from thence to form such Thoughts as shall occur to our Reason, on a serious Study of that infallible Source, and where only we can certainly find, whether this be an Institution of such an *absolute indissoluble Nature*, that in *no* Case or Circumstances whatsoever, can either the *Bond* thereof be loosed; or be justifiable for the Parties to live *separate*, the Bond itself still *existing*.

Which Enquiry is very requisite to be made, because, where the Case happens to be such as that *none* of the *Ends* of this Institution can be attained, it is impossible, while we are Men, and have that unalterable Principle of Self-love, and desire of Happiness implanted in us; a Principle both innocent, and commendable, while kept within the Bounds set to it by the Creator; we say it is impossible for Humane Nature not to desire a Release from whatsoever it finds extremely inconsistent with, and opposite to its Happiness.

First.

Now it must be granted in the first Place, that *Marriage* not being one of the Fixed and Eternal Laws, which are in their

own

own Nature immutable and unchangeable, but depended on the Lawgiver's Will and Pleasure, who had the Power of instituting the Estate of Matrimony; the Legislator might, at any Time, relax and enlarge the Bounds thereof, as to his Wisdom should seem fit, and be consistent with the Intention of his own Institution, without any Disparagement to his Holiness.

It must be granted, secondly, ^{Secondly.} that an Institution once established by the Divine Legislator, altho' by himself alterable, yet will never afterwards be by him render'd stronger and more obligatory, than he himself had, in its original Establishment, made it; for that, altho' in relaxing and enlarging the original Bounds of an Institution, it may notwithstanding be still esteemed the *same* Institution as when under closer Restrictions; yet the like cannot be said, where an Institution is rendered stricter, and more indissoluble than it was in its original Establishment, because thereby it either becomes a *new* Institution, and can no longer be called the *same* to what it was before such additional Restrictions; or would argue some Defect in the original Establishment, which the Legislator would cure by some superadditions;

ditions; which Latter, would be such a Reflection, as is not to be cast on the unerring Wisdom of God. And therefore, that whatsoever Alterations our Blessed Lord might make in the Latitudes which had been allowed to the *Jewish* Nation, in the Ordinance of Marriage; that yet he never intended to carry it into any *stricter* Obligation, than what was in its *original* Establishment.

Thirdly. It must be granted Thirdly, That in all the *Positive* Laws given of God, they are given to us considered as *Men* endued with all those innocent Faculties, Affections, and Aversions which were *originally* implanted in our *Nature*: And that it can never be consistent with the *Justice* of God, to lay Laws on Mankind, which from our Nature, as framed by himself, we are utterly incapable of obeying; nor with his *Wisdom*, to require by a *positive* Law, any thing repealing his own immutable Laws of *Nature*, however he may please by positive Laws to direct us in the due Government of our natural Faculties; and therefore that all his *positive* Laws, howsoever at first they may appear, must necessarily be taken in a Sense reconcileable

reconcilable with those *natural Faculties* he has given us.

And, as Consequences hereof, it must Fourthly. be granted, Fourthly, That in all *positive* Commands, as of the Obedience of Servants to Masters, Children to Parents, Wives to Husbands, Subjects to their Prince; let the Commands be never so express and full, never so general and extensive, there will be always room and necessity for Limitations and Restrictions, arising from the *Reason* of the *Command*, and the *Nature* of the *Subject Matter*; as we shall shew further, in the Sequel of this Discourse.

And it must be granted, Fifthly, That Fifthly. the Tyes and Relations of *Nature*, are stronger and more immutable than those of *positive Institution* only, which have no Force but from their Institution.

But now, although the *Relations* of *Nature* are indissoluble, as of Parents and Children, it being impossible even to Omnipotence itself to make a Parent or Child cease being *such*, while the Parties continue in being; yet while that *Relation* continues, there may be a Relaxation in the Obligation to the *Duties* thereon depending: for tho' there be such a Connection between *Mutual Relations*,

Relations, and the *Relative Duties* arising therefrom, as that they are, in common Esteem, taken as inseparable, yet is there, in strict Speech, a Distinction to be observed; *Relative Duties* being a Sort of *Emulation* from the Relation, so as that the *Obligation* to those *Duties* cannot possibly exist, the *Relation* not existing, but does necessarily cease when the Relation itself ceases: but we conceive it to be otherwise as to a *Relation*, that *that* may in some Cases exist, when the *Obligation* to the *relative Duties* thereof may, through particular concurrence of Circumstances, be either *dissolved*, or *suspended*; as in the present Instance of Parents and Children, in which, altho' the *Relative Duties* mutually owing between them, are both from *Nature*, and also so fully from the *written Law* of God, as that they might be said to be of *Institution* too, were not this Latter, as the weaker, merged in the Former, as the Stronger; yet even here, where the *Obligation* is from *Nature*, and therefore from God in the highest highest Sense, it will hardly be denied, that there may happen such an unnatural cruel Failure, even on the Part of the Parent, as to justify the Child's

Child's withdrawing his Obedience, notwithstanding the Superiority of the Parent; and on the Part of the Child may be such a rebellious, disobedient Deportment, as may much more justify the Parents Scope in the Duties on his Side: And have been Instances on each Part, so flagrant as to pass without Censure. " For there is no
 " Relation in the World, but there is a Bp Fleet-wood of Relative Duties.
 " reciprocal Duty obliging each Party:
 " There is no such thing as one Person's
 " requiring Love, Respect, Honour, Service or Obedience from another, without
 " being at the same Time obliged to do
 " him some good Turn for it, or for having done it already: No one can require
 " any thing from another as a Duty, to
 " whom he does not also owe something
 " by way of Duty; for in all Relations,
 " whether natural or civil, each Party is
 " mutually, tho' differently bound to each
 " other; and all the several Duties of
 " Relations of all Sorts (none in the World
 " excepted, no not that between the *Great*
 " *Creator* and his *Creature*) do mutually
 " infer each other, and are therefore due,
 " and paid for the Sake of each other."

Being

Being then thus in *Nature*, it must be much more so in Pacts or mutual Contracts, or Relations which are of *Institution only*, in which there seems a greater Latitude, not only in the dissolubility of the Relation itself, contracted by such Pact, but in the Relaxation of the Obligation the one Party is under to the performance of the Duties of that Relation on his Part, where he meets with no intention or endeavour of return of any of the Duties owing to him from the other Party, who is reciprocally under the same individual stipulated Tye to him. Here we apprehend, that upon a total failure of the one Party, the other Party though he may *pay*, yet cannot be said to *owe* any of the Duties which otherwise would be incumbent on him, but is wholly discharged and released from the Obligation to those Duties, even while the Relation itself continues in force. “ For it
 “ is both natural and seems reasonable, for
 “ one Party to neglect and omit the Duty
 “ which they owe *to* others, when they
 “ can see no tolerable returns of what Duty
 “ is due to them *from* others.” And al-
 “ though it may be generally true, “ that
 “ the several Duties which by the *Law of*
Nature

“ *Nature* are to be performed by Persons
 “ that stand in mutual Relation either to
 “ other, are not *passional* and *conditional*,
 “ but are *absolute* and *independent*, wherein
 “ each Person is to look to himself, and
 “ the Performance of the Duty that lies
 “ on him, though the other Party should
 “ fail in the Performance of his.” And
 that *because of the Prejudice to the Peace*
and Welfare of the World by such Omis-
 sions and Neglects, it has pleased God to
 promise Rewards in another Life, to the
 faithful and religious Dischargers of their
 Duties here, that will make amends for what
 is denied them of a due Return here, by
 Men’s Unreasonableness or Malice, their
 Ingratitude or their great Wickedness, so
 that no one need be discouraged now, as
 though his Labours would be in vain: Yet
 may it be doubted whether that Obliga-
 tion from the Law of Nature, which lies
 on a Person to do the Duties on his Part,
 where he meets with no return, does ex-
 tend, either to the Duties arising *only* from
Institution, or even to *all* the Duties laid on
 us by the *Laws of Nature*, in all Cases
 that may happen. Or whether it does so
 or not, yet we conceive that *that Obliga-*
 D tion

tion to discharge the Duties on one Part, where no return is made on the other; and that Promise from God of a future Reward, to encourage a Man to go on in so doing, is purely on account of the Benefit or Detriment which would accrue to others by the Performance or Omission of those Duties; but that no Person is bound thereto merely for the sake of a perversely sinful Person's receiving Benefits, who obstinately refuses to make any of the Returns, for which those Benefits can by them be claimed; and that therefore, although for the Hopes of a future Reward of his Virtue, a Man may persevere in doing that Duty which lies on him to the other, yet that he is not strictly bound thereto, with regard to any Obligation on him to that Person, if so be that his Omission can be without prejudice to any Peace or Welfare of the World, which would arise from his paying those Duties. God seldom requires such Regard to be had to meer sinful Disobedience.

Now, among such relative Duties as must be paid by *one* Party, to render the *other* Party bound to those on his Part, we apprehend are the Duties mutually owing between *Husband* and *Wife*. And although it may perhaps

perhaps be urged, that by Marriage we are laid under a *Sacred Vow*, from which God only can release us, and that it may be startling and surprizing to hear any Thing contradictory to so generally received an Acceptation; yet needs it not be much scrupled to enquire a little, whether the *Marriage Contract* be, strictly speaking, properly a *Vow* or not, when back'd by so great an Authority as Bishop *Sanderſon*, who speaking of *Vows*, ſays thus, “ The com-
 “ mon Speech of us here in *England*, ex-
 “ tends the Word *Vow* very far; but to
 “ ſpeak properly, a *Vow* is a Word of a
 “ narrower extent than a *Promise*, every
 “ *Vow* being indeed a *Promise*; but not
 “ every *Promise* neceſſarily a *Vow*. *Pro-*
 “ *miſes* may be made indifferently either
 “ to *God* or *Man*, but *Promiſes* made to
 “ *Men* are no *Vows*. Wherefore it is
 “ uſually inſerted into the Definition of a
 “ *Vow*, as a Condition *eſſentially requiſite*
 “ thereunto, that it be made unto *God*
 “ *alone*, inſomuch as to make a *Vow* to any
 “ Creature, is *Interpretative* to exalt the
 “ Creature into the Place of *God*, and ſo to
 “ make it an *Idol*: which is clear not only
 “ from the expreſs Precept of *God*, and the

Bishop
Sanderſon's
 9 Caſes, p.
 12, &c.

“ constant Examples of godly Men, and
 “ the usual Phrases of the Holy Ghost in
 “ the Scriptures; but also from the univer-
 “ sal Consent of all Learned Men, both
 “ Divines and others, and even of Heathens
 “ also. If, for more confirmation of a Pro-
 “ mise, a Person bound himself also by *Oath*,
 “ yet it is no more for all that but a meer
 “ *Promise* still, and not a *Vow*; for albeit
 “ the very using of an *Oath* be a *calling in*
 “ *of God* into a Business, and the Person
 “ that taketh an *Oath* doth thereby set
 “ himself in the *Presence of God*; yet an
 “ *Oath* calleth him in only to be a *Wit-*
 “ *ness*, without any Intent to make him
 “ a *Party* to the Business; whereas in a
 “ *Vow* he is made a *Party* and not only
 “ a *Witness*: For even as when a *Promise*
 “ is made to *God*, whereunto for the more
 “ Solemnity, the Presence of some Men is
 “ required as *Witnesses*, such a *Promise* is to
 “ be held for a *Vow*, because made to
 “ *God alone*, although in the *Presence of*
 “ *Men*; so on the other side, when a *Pro-*
 “ *mise* is made unto some *Man*, whereunto
 “ for the more Assurance, the Presence of
 “ *God* is required as a *Witness*, such a *Pro-*
 “ *mise* is not to be held for a *Vow*, because
 “ it

“ it is made to Man *alone*, although in
 “ the *Presence* of God. Nay, farther, if
 “ in such Engagements these Words, (I
 “ vow to God) or Words to that Effect be
 “ used, yet neither is that sufficient to
 “ make it properly a *Vow* : For to judge
 “ rightly, when a Question is made con-
 “ cerning any particular Promise, whether
 “ it be a Vow or no, we are not to be
 “ guided so much by the *forms of Speech*
 “ (which are subject to change, impro-
 “ priety, and many defects) as by the true
 “ Intention and Purpose of the Parties,
 “ especially the Promiser : Now what was
 “ the *Intention*, even this and no other, to
 “ give as good Assurance as they could
 “ devise either to other, and to receive the
 “ like Assurance again, that the Thing by
 “ them promised should be faithfully per-
 “ formed ; and if either Oaths or Pro-
 “ testations were also used by way of Confir-
 “ mation, they are all, in common intend-
 “ ment, to be taken as tending to the self-
 “ same Purpose, without looking at any
 “ further Thing ; and clearly where the
 “ Promiser hath no Intention to *bind him-*
 “ self to God, but to *Man* only, the *Pro-*
 “ mise so made is no *Vow*, whatsoever for-

"*validity of Words* may be used, in the
 "making of it."

Now, as he goes on, "Though in the
 "main Point there be no material Difference
 "between a *Vow* and an ordinary *Promise*,
 "a lawful *Promise* being no less binding to
 "Performance than a lawful *Vow*, and an
 "unlawful *Vow* no more binding than an
 "unlawful *Promise*; yet there is some Difference
 "between them, and that of some
 "Importance too, in respect of the Relaxa-
 "tion of the Bond; for since it belongeth
 "to him to whom the Bond is made to
 "grant a Release thereof, it belongeth
 "therefore to *God alone* to release the Ob-
 "ligation of a *Vow*; and no Man hath
 "Power so to do, because the *Vower* by
 "his *Vow* bindeth himself to *God*, not to
 "*Man*; whereas the Obligation of a *mere*
 "*Promise* wherein the *Promiser* bindeth
 "himself but to *some Man*, may be released
 "by *that Man*; and a release from him, is
 "to the Conscience of the *Promiser*, a suffi-
 "cient Discharge from the said Obligation.

Hitherto this Pious and Learned Pre-
 late: And from hence (though on another
 Occasion written) it is clear, that Marriage
 can be a *Promise* or Obligation to *Man*
only,

only, and not to God. For how Solemnly soever God may be called into it, and the Parties so mutually engaging to each other, do set themselves in the Presence of God, yet he is called in only as a *Witness*, nor can with any Propriety of Speech, be said to be a *Party* in such Contract; and consequently, how sacred soever such Contract ought to be, it is still but a *Promise* only, and not a *Vow* in the strict Sense of that Word, and therefore releasable by the *Parties* to such Promise.

But yet we do not contend, that the *Parties* can at *Pleasure*, either disengage themselves, or by mutual Agreement, release each other from the Tye, under which they have bound themselves either to other, for whatsoever Cause they please; (which was the Crime condemned by our blessed Saviour in the *Pharisees*.) For although it be but a *Promise*, and therefore releasable by the *Party* to whom such Promise is made; yet being a Promise entered into, and founded wholly upon an *Institution* of God, it becomes thereby of such a Nature, as that the Parties cannot be released therefrom, but in such manner as God has permitted: But then, when we find in his Word, either

in exprefs Terms, or by clear Rational Inference, for what Causes ſuch Contract is diſſolvable, or the Duties thereof ſuſpenſive; then for *thoſe Causes*, altho' ariſing from the *Parties* themſelves in this Contract, the Contract is releaſed or ſuſpended of *God*, albeit the *Act* by which it is of *God* releaſed or ſuſpended, be an *Act* of the *Parties* only. Like as in a Contract founded on a *Human Law*, altho' the Legiſlator be not a *Party* thereto, yet cannot ſuch Contract be diſcharged, but on the Terms allowed by that Law; but when the *Parties* ſhall do ſome *Act* by which that Contract is by *Law* diſcharged, the Contract is then annulled by the *Legiſlator*, altho' by an *Act* of the *Parties* only.

And this is alſo an Answer to thoſe, who notwithſtanding our Argument now made uſe of, for the Marriage Contract being but a *Promise*, ſtill urge it to be ſtrictly a *Vow*, and conſequently releaſeable by *God alone*; for allowing it to be in *their* Senſe a *Vow*, yet is that *Vow* releaſed or ſuſpended by *God himſelf*, when ſuch Causes, from the *Parties ſtipulated to him*, do happen, as from his Word may be clearly gathered

gathered to be a Dissolution or Suspension of the Contract.

These Things thus premised ; we are now to consider, whether *Marriage* be an Institution of such an absolute Indissoluble Nature, and the *Promise* or *Contract* thereby entered into, so strong, as that it cannot be expressly or virtually so released by any Act of one or both the Parties, as either to make the *Bond* thereof void, or set the Parties free from their *Obligation* to the mutual Duties of that State while the *Bond* is *existing* ; and which we are to endeavour to discover from the unerring Fountain of Knowledge in his Holy Word, from whence only such Knowledge can, on sure Grounds, be gathered.

And for this Purpose we will consider,

First, How the original Institution was First of old understood, before any Written Law given from God.

Secondly, What was in the Written Law Secondly given to the *Jews*.

And *Thirdly*, What we find under the Thirdly Gospel.

As to the *First*, *How the original Institution was understood by the Old World, till the giving of a Written Law by the Ministry*

story of Moses, would be difficult, or rather impossible to discover, otherwise than by what we find recorded in Holy Writ: From which it appears, that even *Good Men*, the Favourites of Heaven, and such as conscientiously followed the Guidance of the Law written in their Hearts, and of such Revelations as God had afforded them, did by their Practice, and that unreprieved, allow of a Plurality of Wives; which tho' it be not an *absolute* Divorcing, yet is such a dividing and sharing out of the Conjugal Affections and Duties, as amounts unto a *partial* Divorce or putting away, and makes them cease from being *entirely* one Flesh: And as it is the Opinion of Learned Men, that that other Power of *absolute* Divorce, or putting away of a Wife, which we find in the Jewish Law, was not introductory of a new Custom, but a Care taken by *Moses* to prevent the ill Consequences of a Custom *already* in the World, by a regular Manner of exercising it; we may from thence gather, that *before* the giving of the *Law*, Divorce was in Practice, not only for Adultery, but for *all other* Causes which are included in the Law delivered by *Moses* (which we are under the next Head to consider

consider) and from these Premises must conclude, that the *One* being the Practice of God's best Servants before, and under the Law, and the *Other* taken by God himself into the Body of his own Laws given to his Elect People; that *both* of them were either within the Intent of the original Ordinance, and so understood to be, by those, who living nearest the Time of the Institution, were most likely to know the true uncorrupted Design and Meaning thereof; or were founded on some express Discovery of God's Will to them, however now unknown to us, by what Way or Method that Will was revealed; and that in *either* Case, neither the one nor other were Evil, either intrinsically and in their own Nature, or as being repugnant to the Prime Institution of Marriage: (which yet it would be difficult to conceive, how a Thing could escape being *intrinsically* Evil, that were repugnant to any (tho' a meer positive) Ordinance, established of God himself, to continue from the Creation of the World, till its final Conflagration.) And that the one (*Polygamy*) then first became unlawful, when under the Gospel Dispensation such Precepts were given, as from which is clearly gathered the Prohi-

Prohibition thereof, however even there it be not any where expressly delivered: For altho' both before, and under the imperfect Dispensation of the Law, many Things were permitted, which are now done away by the more perfect Revelation of God's Will under the Gospel; yet at no time could the Divine Wisdom and Purity give countenance to Things in their *own Nature* sinful, and (as is already shewn) that no *Evil* may be done, for attaining the greatest *Good*, much less can *Sin*, for any good End whatsoever, be either established or permitted by a *positive Law*. It could never enter into the Heart of *David*, how any such Authority as Endeavours to *frame Mischief by a Law*, should derive itself from *God*. And the Prophet *Isaiah* pronounceth a *Woe unto them that decree unrighteous Decrees*. And the Apostle *St. Paul*, is the *Law Sin? God forbid*.

Pfalm
xciv. 20.

Isa. x. i.
Rom. vii.
7.

And therefore, we cannot come into the Opinion of the great Doctor *Hammond*, that either Polygamy or Divorce were *contrary* to the *prime Institution*, but were allowed for the Sake of the *speedier Increase* of the People; the Former, that where a Man had such a vehement Dislike to his Wife, that he

he could not bring himself to live conjugally with her, he might take others by whom to multiply his Species; the Latter, that by the hated Wife's being put away, she might not be kept from ever having of Children by any other, as long as that Husband lived: For had the speedy Increase of Mankind been the View of God Almighty in permitting Polygamy or Divorce (in breach of his own Institution) it had been as easy to him, to have caused such speedy Increase, by rendering the Woman naturally so prolifick, as to bring diverse Issue at a Birth, as is constantly in many Animals, and sometimes now in Women; and had been more consistent with his Wisdom, than, for the supplying that Defect, to give a Permission derogatory to his own Establishment, and contradictory to his own Declaration, upon surveying every Thing he had made, that it was *very good*. And to imagine a supplemental Law or Indulgence for such an End, is to call in Question the Fore-Knowledge of God, as if in the Manner he had originally intended to carry on the Increase of Mankind in, there had happened some unforeseen Defect, which could only be supplied by a Repeal or Relaxation of his

Gen. i.

31.

his own original Institution, which is never to be supposed of God ; nor could it be, because we find in fact, that at the two Seasons when there was the greatest Occasion of multiplying People to inhabit the World, that ever yet has been, or can be, viz. the first Creation of Mankind in Paradise, and the Restoration of the World after the Flood, God did not, for the speedier Increase of Mankind, give more than one *Eve* to *Adam*, and that *Noah* and his Sons had each of them but one Wife. But altho' we cannot concur with that learned Divine, in his Conjecture at the *Reason*, yet have we the Benefit of his Concurrence with us in the *Fact*, that *Polygamy* and *Divorce* were the Practice before the Gospel was given us, and that such Practice was allowed by God.

But, as it is beside our Purpose to speak of *Polygamy*, which is now clearly done away ; and that we had not touched thereon, but as an Instance how the Original Institution, however strict it may now appear to us, was of old understood : We shall only add this concerning it, That it could not be *in itself* a Thing morally Evil, not only because it was permitted under the *Law*, but was suffer'd for a *Time* even under the Gospel

Gospel Dispensation; for altho' the Prohibition thereof be clearly gathered from several Passages in the *New Testament*, yet it is a Thing granted by learned Men, that the Gospel did only forbid taking more Wives than one after a Man was become *Christian*, but that his Conversion to Christianity did not disannul what had been done before, or oblige him, on turning Christian, to dismiss all but one; or that a Man who before his Conversion was married to two or more Wives, was to be denied admittance into the *Christian Church*, but might in *that Condition* be, both received into the Church, and allowed to live in the same State of Polygamy, as before his Conversion: All the Incapacity put on such a Man after his Conversion being, that he should not be a Bishop or Presbyter: For thus those Words of *St. Paul* to *Timothy*, that a *Bishop or Presbyter shall be the Husband but of one Wife*, are understood by some Expositors.

And so we pass on to consider *Secondly*, Secondly. what is in the *Written Law* given to the *Jews*. Under which Head, we cannot but observe, that altho' no Law for Divorce had been given to that People, yet had the Legality of Divorce in the general been sufficiently

ciently clear to them, from the Example of *God himself* recorded in the inspired Writings of their Time, the Books of the Old Testament; wherein, when in condescension to the Capacities of Men, and in compliance to their Apprehensions, God is pleased to speak after *the Manner of Men*, and to figure himself as a *Husband*, and denominate the Church to be his *Spouse*, he does so frequently represent himself as divorcing and putting her away. Now if *Divorce* were in itself morally Evil, God would never have made use of that Similitude, to express his casting off any People or Nation.

Deut.
xxiv. 1,
2, 3, 4.

But there is, not only *this Example* of God, but amongst the *Laws* given to the *Jews*, we find this following, *when a Man hath taken a Wife and married her, and it come to pass that she find no Favour in his Eyes, because he has found some UNCLEANNESSE in her: Then let him write her a Bill of Divorcement and give it in her Hand, and send her out of his House. And when she is departed out of his House, she may go and be another Man's Wife. And if the latter Husband hate her, and write her a Bill of Divorcement, and giveth it in her Hand, and sendeth her out of his House, or if the latter*

latter Husband die, which took her to be his Wife, her former Husband which sent her away may not take her again to be his Wife, after that she is defiled; for that is Abomination before the Lord.

That this is a Law of God, and that Moses did not, for the Ease of his People, invent this Law of his own Head, we think is very plain. For tho' the Pharisees, treating of this very Point, asked our Great Master *why did Moses command us to give a Writing of Divorcement?* yet since all the Scripture of the Old Testament is of *Divine Inspiration*, (of which Old Testament this Law is part) it is evident that *Moses* being the great Minister of God, by whom he delivered his Oracles, and *faithful in all his House*; did, and could, and would deliver nothing as a standing Law for the Jewish Church, but what God gave him order for, or as he was moved by the Holy Ghost, as *St. Peter* says of the Writers of the Old Testament: And therefore whenever *Moses* is quoted in the New Testament, the Meaning is, *God speaking by Moses*, and consequently this Law is derived from God.

Nor had it ever enter'd into the Heart of Man to conceive this, not to be a Law, but

Mat. xix.
8.

a bare *Permission* to a stiff-necked People, were it not from the Words of our Blessed Saviour to the Pharisees, *Moses for the Hardness of your Hearts suffered you to put away your Wives*. For the right Understanding whereof, we are to consider, both the Signification of *Hardness of Heart*, and the *Occasion* of our Lord's Words. Now there is in the Gospel a twofold Acceptation of *Hardness of Heart*. In the one, it signifieth the *Infirmities* and *Imperfections* of Good Men, or that Decay of Man from original Righteousness, which will be in the best Men to the End of the World, and was in all the Apostles, whose *Weakness* only, not utter want of *Belief*, is called *Hardness of Heart*. In the other Acceptation, it signifies a *stubborn Resolution to do Evil*. In the former Sense of which, might this Law be said to be given for *Hardness of Heart*, that is, as a Remedy against such intolerable Grievance and Servitude as is above the Patience of Man to bear; and not only for our *own* Infirmary or *Hardness of Heart*, but also that an innocent Person might not be put to endure whatever the *Hardness* of *another's* Heart might inflict on them; but that where a good and peaceable Man discovered

cover'd such helpless Disagreement and Dislike, either of Body or Mind, as frustrated all the Ends of Marriage, he might dismiss her: And in this Sense, this Law may be understood as an Exposition of the original Institution. — But for as much as our Lord seems here to speak of a *culpable* Hardness of Heart, this Acceptation, altho' it may be implied, yet seems not to be what he principally intends in his Answer.

In the other Signification therefore, it is taken for *a stubborn Resolution to do Evil*. Now God never makes Laws purposely for the indulging of *such*, nor vouchsafes to enter into Covenant with them, but as they happen to be mix'd with Good Men; much less does he decree unlawful Things, only to serve their Licentiousness: And still less can it be conceived, that when God was giving a Body of Laws to his Elect People, the whole Tenor whereof was rather a distinguishing them from the Nations round about them, than an indulging them in any of the evil Customs of those Nations; many of which Laws were as contrary to the Usages they themselves had been bred up in, and as likely to try the Hardness of their Hearts to submit thereto, as the Restraint from Di-

vorce for every trifling Cause which they
 had extended it to, could have been; that
 he should so enervate the whole Force of his
 Laws, as in those very Laws, to grant in
 this *One* Instance, such an Indulgence to
 their Hardness of Heart, taken in this latter
 Acceptation thereof, as to supersede his own
 Institution. And least of all can it be ima-
 gined, that when a standing Law was giving,
 not to that *One Generation* only, but was
 to continue till the coming of Christ *fifteen*
hundred Years after, that a Latitude so con-
 trary to God's own Ordinance, as this was
 (especially in the Sense of those who think
 the Ordinance indissoluble) should be
 granted to *so many* succeeding Generations,
 who being from their Birth restrained from
 the Liberties of other Nations, could not
 have had an equal Hardness of Heart to seek
 after it, as those then living might, from the
 Prejudice of their Education, lie under;
 only to indulge the Hardness of Heart of
 that *One* Set of Men, who were all under an
 immutable Decree of Death within *forty*
Years; and who, if they could ever forget
 that Terrible Pomp of Majesty with which
 they had been Eye and Ear Witnesses of
 the Delivery of that Law to them, must be
 of

of such an *Excess* of Hardness of Heart, that it should seem more consistent with the Divine Justice, to let that *one* so exceedingly perverse Generation of Men perish through the Obstinacy of their own unruly Wills, than it could be with his Wisdom, for the indulging of *them*, to relax the original Establishment of so solemn an Ordinance to *so many Generations to come*. Neither can we apprehend, that the Hardness of Heart here spoken of by our Saviour, can bear this Signification, because it would thence necessarily follow, that he admits the *true Intent* of that Law delivered by *Moses*, to be according to the *wrong Interpretations*, and *false Glosses* they had put upon it, for the greater indulging of their own Licentiousness; and that in extending their Liberty of Divorce, to whatever Causes they themselves pleased, they had acted *conformably to that Law*; and consequently, that it is not here the Purpose of our Lord in any wise to reprove or correct their past Practice, but allows it to have been *agreeable to the genuine Construction* of *Moses's Law*.

As then, neither can our Lord's Words be reasonably understood in this latter Acceptation of *Hardness of Heart*; we must

necessarily seek for some other more probable Interpretation, by considering the *Occasion* of them, which was this.

The *Pharisees*, as they had in other Points violated Things Sacred and Divine, by the ill-favoured Interpretations they had put upon the Laws of *Moses*, thereby to make them bend to gratify their own Licentiousness; so this Law of Divorce, which we may rationally conceive to have been given (as is already observed) for the Redress of intollerable Evils, and as such, was becoming the God of Mercy; they had perverted from the *true Sense* and *Design* of that Law, to extend to *all* Causes and Cases of their *own* making: When therefore these Pharisees came to our Blessed Lord, not to learn of, but to tempt him, it might well be expected, that He, who at no Time expressed any great Desire to teach the obstinate and unteachable Pharisees, and then least of all when they came to tempt him, would answer, as was fittest for them, not so much *teaching*, as *entangling* them: Christ therefore, according as his Custom was, not meaning to inform their proud Ignorance, what *Moses* meant in the *true* and *weighty Intent* of that Law, which they, by their
false

false Glosses, had extended to every *slight* Matter, tells them their own, what was forced to be suffered by their Abuse of that Law: And it being his principal Scope to convince them of what they, being evil, did *licentious*ly, not to explain to them what others, who were blameless, might do in case of *Extremity*, may be justly thought to lay a Bridle upon their bold Abuses, like a wise Physician, administering one Excess against another, and by a Counter-Balance of Restraint, curbing their Exorbitance almost into the other Extream. From whence we gain this Information, that Christ is here, rather forbidding what we *may not* do herein, passionately and abusively, than discussing what we *may* do, reasonably and necessarily: and that many licentious Men, and hard-hearted in the *evil* Sense of the Expression, taking hold of this Law, to cloak their bad Purposes, were they whom *Moses*, or rather *God* himself, who foresaw what abuse would in Futurity be made of his Law, held it better to suffer by accident, where it could not be detected, rather than Good Men should lose their just and lawful Privilege of Remedy for intolerable Evils. And this we take to be the

Mat. xix.
8.

Mark x.
5, 6, 7,
8, 9.

true Intent and Meaning of our Lord's Discourse with the Pharisees; and that his Words here, *Moses, because of the Hardness of your Hearts, suffered you to put away your Wives: But from the Beginning it was not so.* Or, as they are in St. Mark, *For the Hardness of your Hearts he (Moses) wrote you this Precept of giving a Bill of Divorce, but from the Beginning of the Creation, God made them Male and Female. For this Cause shall a Man leave his Father and Mother, and cleave to his Wife; and they twain shall be one Flesh: So then they are no more twain, but one Flesh. What therefore God hath joined together, let not Man put a sunder,* may be understood as if he had said, "the Intention of God, in instituting the Estate of Matrimony, was, that the Husband and Wife should be as one Flesh, living as Meet-Helps to each other, and in constant Love and Unity of Affections, and being so once lawfully joined together, should not, at Pleasure, be separated; and would all Husbands and Wives so demean themselves towards each other, as the Relation created by that Institution requires, and is therefore their Duty to do, there would be no need of
" ever

“ ever separating from each other: But
 “ God, by his Prescience, knowing that
 “ what was by him intended for the Com-
 “ fort and Solace of Mankind, would, by
 “ the unruly Wills, corrupt Dispositions,
 “ and hard Hearts of sinful Creatures, be
 “ too often so far abused, as to render it a
 “ State of constant Unhappiness, Misery
 “ and Torment; he was therefore pleased,
 “ when he first vouchsafed to give a Writ-
 “ ten Law to the World, to enact a Liber-
 “ ty of dissolving the Bond of *such circum-*
 “ *stanced* Marriages as were contradictory to
 “ the Purposes of his Institution: And un-
 “ der the Colour of that Law, so granted
 “ for Relief from insupportable Evils, you
 “ having taken Liberty to extend Divorce
 “ to every trifling Cause you yourselves see
 “ fit, you have thereby departed, both from
 “ the original Institution of Marriage, and
 “ from this Law of *Moses*. And tho’ God
 “ foresaw that thus it would be, yet did he
 “ choose rather to suffer that abuse which
 “ would be of his Law, than not to grant
 “ that Law, for the wise and merciful Pur-
 “ poses he intended it; your Abuse thereof,
 “ shewing indeed the Sinfulness and Cor-
 “ ruption of your own Hearts, but not any
 “ Defect,

“ Defect, Depravation, or Obliquity in the
 “ Law itself.” And we think, that there is
 nothing said by our Saviour, to induce us to
 believe that *this* was any less a *Law*, than
 all others which by the Ministry of *Moses*
 were delivered from God to the People of
Israel.

We do not indeed contend, that by this
 Law, an *Obligation* was laid on every Man
 to put away his Wife when *she found no*
Favour in his Eyes; because of some Unclean-
ness; but that it was left to his own Choice,
 whether to put her away, or continue her
 as his Wife; in which Sense this *Law* may
 be called a *Permission* only: (where, by the
 way, we must observe, that *Uncleanness*
 here, cannot be meant of *Adultery*, because
 that Crime was such, as not only absolutely
 dissolved the *Bond* of Marriage, but was
 to be punished with *Death* itself.) But
 doubtless it was such a Law, as that when-
 ever a Man did for *that* Cause put away his
 Wife, he did an Act which by Law was
 just, not only in the Sight of *Men*, but, in
 good Conscience, in the Sight of *God*. Tho’
 at the same Time that we yield thus far
 to the common received Opinion of its being
 only a *Permission*, yet we still say, that
 should

should we contend for its being a Law
positively enjoining the Husband, in such
 Case, to put away his Wife, we conceive
 it may with great Reason be supported;
 for as it was *not* the *Bill of Divorce*, but the
Uncleanness (whatsoever that Uncleanness
 were) for which that *Bill* was given, that
 dissolved the *Bond*, the *Bill of Divorce* be-
 ing no more than a *legal Publication* or De-
 claration of the *Bond* *already* broken by the
 Wife's *Uncleanness*; the *Bond* being once
 dissolved, it could not be in the Husband's
 Choice, whether it should continue in force
 or not, which, if admitted, would change
 the *Nature* of the *Dissolution* of the *Bond*,
 making it to *consist* in the *Will* of the Hus-
 band, *not* in the *Uncleanness* of the Wife;
 at least, that *together* with her *Uncleanness*,
 the Mind of the Husband must necessarily
 be *superadded*, to render it a *complete Dis-*
solution of the *Bond*: But as it was the
 Wife's *Uncleanness alone*, which dissolved
 the *Bond*, the *Dissolution* being *made*, the
 Husband could not, without the Guilt of
 Fornication, knowingly continue with a
 Wife whose *Bond of Marriage* to him was
 dissolved, nor cause it *not* to be a *Dissolu-*
tion, any more than after a *Bill of Divorce*
 given,

given, he could re-marry that Woman, who yet might be married to any other Man than himself.

Let us then consider, what is the *Uncleanness* mentioned in this Law in *Deuteronomy*, for which a Wife might be put away. And that, so far as we can find the Opinion of Learned Men, is most generally taken to be, either some *Sickness, Disease, Vice of Drunkenness, Witchcraft, a very quarrelsome Temper, or some other incorrigible Vice, or Deformity of Mind*, by reason whereof, the Woman was not so well liked by her Husband, as before she had been; and is by all learned Interpreters referred to the *Mind*, as well as to the *Body*. But here, to prevent our being misunderstood, we desire it may be taken Notice of, that we do not give it as *our Opinion*, that for *every* of the Kinds of Causes here now enumerated, a Man is at liberty to quit his Wife: For many Defects, such as Sickness or other Infirmities which proceed *meerly* from the *Hand of God*, not from the *perverse Will* of the *Party*, and which perhaps grieve her for the Trouble they occasion to her Husband; as to *such*, they doubtless are Motives for Pity, Compassion and Assistance

tance in the Husband, rather than Causes for his abandoning her. But yet, from hence we may gather, that *an incurable Defect, incompatible with the Comfort of Mind intended in a married State, was a just Cause of putting away.* And whatsoever that was, most certain it is (as has been just now hinted) that *something else* than *Adultery* must be meant by *Uncleanness*, or it had been only a Redundancy of another Law, whereby the Husband, in case of *that* Crime, had a more compleat Remedy, which superseded all need of a Divorce, *viz.* for the Wife to be stoned to Death; or to be tryed by the Water of Jealousy on the bare Suspicion of it. Agreeable to which, is also spoken by *Jesus the Son of Sirach*: *If she go not as thou wouldest have her, cut her off from thy Flesh, and give her a Bill of Divorce, and let her go.* Eccius. xxv. 26.

And indeed, those who contend for the fore-cited Law to be only a *Permission*, do by that very Contention yield, that by the *Uncleanness* therein mentioned, *other Causes* of Divorce, or Separation are meant, than only *Adultery*: For their Reason for contending that it is but a bare *Permission*, is, that therein *other Causes* than *Adultery* are intended

intended, the which they conceive to be contrary to the Institution of Marriage, which (say they) was never to be dissolvable for any Cause save that one of Adultery; and that there being other Causes than Adultery included in those Words, they must, therefore, by necessary Consequence, be taken as a bare *Permission*, and not as a Law: If then it appears (as we have endeavour'd to shew it) to be a Law properly so called, and not a bare *Permission* or *Indulgence*; then, from their own Understanding of those Words, they must grant, that other Causes of Divorce were established by the Jewish Law, than only that one of Adultery.

And as it is plain that thus it was by this Law of *Deuteronomy*; so we find the like repeated in the Prophet *Malachy*, if we are to understand the Text as it is in most Languages; as in the *Hebrew*, where it is thus,

Malac. ii.

16.

* See

Walton's

Polyglot

Bible.

* *Cum oderit dimitte, dixit Dominus Deus Israel*: In the vulgar Latin, *Cum odio habueris, dimitte, dicit Dominus Deus Israel*: In the Greek, *Sed, si odio habes dimitteris (eam) dicit Dominus Deus Israel*: In the Chaldee, *Quod si oderis eam, dimitte eam, dicit Dominus Exercituum*: In the Arabick, *Sed si oderis eam, dimitte illam, dicit Do-*

minus

minus Deus Israelis: And as it is in the Margin of our English Bibles, *If he hate her, put her away;* altho' our English Translation renders it quite differently, *viz. For the Lord God of Israel saith that he hateth putting away.* But this our English Version representing it as a Thing hateful to the Lord, to put away the Wife, as it would be repugnant to that Law in *Deuteronomy* permitting if not commanding the doing it, while yet that Law was still in its full force; so would it be wide from, and more disagreeable with the Context, than as the Hebrew and other Languages render it; as by attentively Reading, the Scope of this Place will soon be perceived to be, that the Thing God blames the *Jews* for, is not for putting away their Wives, but for keeping strange Concubines, to the profaning *Judah's* Holiness, and the Vexation of their Hebrew Wives by their Treachery and Unfaithfulness to them; and exhorts them, rather of the two, to put away their Wives whom they hate, than to keep them under such Affronts: The one would be a Favour and Compassion to the Woman, to be set free from a Husband who hates her, and is unfaithful to her, and would be that Relief

lief which was intended for her by the afore-
 mentioned Law in *Deuteronomy*, if taken in
 the Sense some, and particularly the Great
Doctor Hammond, and *Bishop Blackall* un-
 derstand it, for the Relief of an afflicted
Wife, not of the *Man*: The other confines
 her under Subjection to a Husband, who
 probably would hate her the more, and use
 her the worse, for being compelled against
 his Inclinations to confine himself to her,
 especially in the Apprehension of those who
 think *that* People were of such a Hardness
 of Heart as *God himself* was forced to yield
 to, in the giving that before-cited Law of
 Divorce in *Deuteronomy*. And as the Pro-
 phet *Malachy* lived in the very Time of
Ezra, as is generally believed, and by some
 thought to be *Ezra* himself; so we find a
 remarkable Instance of putting away of
 Wives for other Causes than Adultery, in
 the Book of *Ezra*, where, at the Admo-
 nition of that Prophet, upon a general Con-
 fession made by the Congregation of *Israel*,
 they entered into a Covenant with God, to
 put away their strange Wives: And pur-
 suant thereto, a great Number did put them
 away, even without distinction whether they
 had had Children by them; which might
 seem

Ezra x.

seem to be some greater Obstacle to a Separation, than where no Issue was.

Nor must we here pass by another Law given from God to the Jews by the Ministry of Moses, whereby a Dissolution of Marriage was to be, for such Cause as can in no sort be said to be either *Unfaithfulness to the Husband's Bed*, or within any Understanding of the *Uncleanness* for which the *Wife found no Favour in her Husband's Eyes*; and which Law has never yet been called by the less forcible Term of a *Permission*, but always esteemed to be of the same Force with the rest of the Jewish Law received from the Hand of Moses. The Law we speak of, is in *Exodus xxi.* where, if a Master, who bought an Hebrew Servant for six Years, and was to go out free the Seventh, did within those six Years of Servitude, give him a Wife who bore him Children; that Servant at the End of his six Years Service, was to quit both the Children and Wife, the Property of whom was so far from being any longer in the Husband, or Father, that they could not continue *his*, but upon this only Condition, of his voluntarily submitting himself to a perpetual Servitude to his Master. And

F

although

although we do not urge this, as having in it any of that Morality which might make any Thing of this Sort be thought to have any force, since the Judicial Law of that People expired; yet this we say, that it cannot be presumed, that God would have given this Law to his own People, had it been inconsistent with his own original Institution: A Law, which we may much easier conceive, *one* Intent of the Legislator in giving it, might be, to shew to future Ages, that Marriage was dissolvable for *other Causes* than Adultery; than we can conceive any Necessity for this Law, had it been contradictory to the original Institution of Marriage; and consequently this Law shews, that *Marriage* was not so indissoluble in its Institution, as it is in these our Days represented.

It appeareth then, by what has been said, that under the *Jewish* Dispensation, there were *other Causes* of a Dissolution of the Bond of Marriage, than that *one* of Adultery, or Unfaithfulness to the Bed.

Thirdly.

We come now to consider, *Thirdly, What Alterations are made in this Matter, under the more perfect Dispensation of the Gospel.*

And

And here we desire to premise, that we mean not in the least to attempt to weaken or enervate the Force of whatever we find in the Laws delivered by our Blessed Saviour, or his Apostles; our only Aim is, to attain to the genuine unforced Sense of them, that we may equally avoid the two Extreams, of too strict, or too loose an Understanding of them.

Now here then, we find our Blessed Saviour declares plainly, that a Dissolution of the *Bond* of Matrimony may be for *some* Cause, when he saith, *Whoſoever ſhall put away his Wife, ſaving for the Cause of* ^{Mat. v. 32.} *FORNICATION, cauſeth her to commit Adultery, and whoſoever ſhall marry her that is divorced committeth Adultery.* Or, as it is in another Place, where the Husband's marrying again, after putting away his Wife is ſpoken of, *whoſoever ſhall put away his* ^{Mat. xix.} *Wife, except it be for FORNICATION, and ſhall marry another, committeth Adultery.* Whence it clearly follows, that by *Fornication* (whatſoever is therein included) the *Bond* is ſo diſſolved, that the Parties are at Liberty to marry again; for our Saviour's ſaying that a Man's marrying another Wife in all *other* Cases but Fornication, is Adultery,

tery, is equivalent to an exprefs Concession that in *that* Case it is *not* Adultery.

From whence we may by the Way observe, that neither the Words of the Institution in *Gen. ii. 24. Therefore shall a Man leave his Father and his Mother, and shall cleave unto his Wife: And they shall be one Flesh:* Nor our Blessed Lord's Addition or Inference, after his Quotation of them in *St. Mat. xix. 6. what therefore God hath joined together, let not Man put asunder,* howsoever strict they may at first appear, can be understood of an Indissolubility of the Bond of Marriage, because so taken, they would clash with *these* Words of our Lord, where (as we have observed) it is clear, that a Dissolution may be for *some* Cause: Or at least, that if Marriage was, by its original Institution undissolvable, which yet we have shewn it not to have been; that still, under the *Gospel Dispensation*, which is what we are more immediately concerned in, there is a Power of Dissolving it, for the Causes thereby allowed of.

Now then, to consider these Words of our Lord, That something else than an Unfaithfulness to the Bed is here meant by *Fornication* is very probable, *First*, Because

First.

in

in the common Acceptation of *that* Word, it is rather an unclean Act of unmarried Persons, than of one under the Tye of Wedlock, and therefore not so applicable to the Transgression of a *Wife*, if that Action were the only Cause here allowed and intended; and is the same Word with our Translation, in most other *Languages*, as in the Greek, where it is, * *excepta ratione Fornicationis* : * See

In the vulgar Latin, *excepta Fornicationis* Walton's Polyglot Bible.

Causa : In the Syriack, *præterquam ratione*

Fornicationis : In the Æthiopick, *sine For-*

nicatione : And in the Arabick, *præter*

Causam Fornicationis. So that if no other

Cause than the Defilement of the Mar-

riage Bed had been intended by our Saviour,

the Word *Adultery*, would rather have been

made use of; as in other Places of Scripture,

where that Crime alone is meant: As in the

Case of the Woman brought before our Lord John viii.

by the Scribes and Pharisees, for being taken ^{3.}

in a Breach of her Marriage Vow, where,

as our English rendring is *Adultery*, so is it

the same, both in the Greek and vulgar

Latin, *in Adulterio deprehensam* : In the

Syriack, *deprehensa erat in Adulterio* : In

the Persian, *in Adulterio prebenderant* : In

the Arabick, *inventæ fuerat in Adulterio* :

Now

F 3

And

And in the *Æthiopick*, *apprehensa fuit in Adulterio*.

Secondly.

Secondly, Our Blessed Lord himself, in this very Place making a Distinction, calling the Cause for which the Husband unblameably puts away his Wife *Fornication*; and expressing both the Crime which a Husband, by putting away his Wife for any other Cause than Fornication, causeth her to commit; as likewise the Crime which any other Man committeth, who marrieth the Woman so put away, *Adultery*; must necessarily be understood to express and intend something distinct the one from the other, by those different Terms, and to make use of those two Words in Contradistinction or Opposition to each other. For had our Lord intended, by *Fornication*, to mean no other Cause than the Wife's Unfaithfulness to her Husband's Bed, what Reason can be conceived, why in the very same Breath, he should imploy two different Phrases, to denote one and the self-same Species of Crime; or design them as synonymous?

Thirdly.

Thirdly, It seems reasonable to conjecture, that *Adultery* only, is not here meant, if we consider, that whatsoever Height of Perfection our Lord intended to oblige his Followers

lowers to, beyond what was required by the Law of *Moses*, that yet there is not one Precept of the Gospel, which can be thought to vacate the *moral* Part of the Law: And as our Lord himself, does in his Sermon on the Mount, as it were purposely to prevent an Imagination of his intending to repeal any *moral* Part of the Law, declare that he came, *not to destroy the Law, but to fulfil it*, and this, before he begins to deliver any of his Precepts, whereby he engrafts into his own Laws the several Particulars he instances in of the Jewish Law, which he explains and enlarges upon, reducing them to their true Moral Understanding, and right Interpretation, and clearing them from what false Acceptations they had, under that imperfect Dispensation, been taken in, and enforcing the Practice of them afresh; so particularly, in his Exposition of the Law of *Moses* touching Divorce, which, whether he is quoting that Law according to the false Glosses the Pharisees had put upon it, or according to the Text itself, it seems reasonable to believe, that the Thing our Lord intended to reform therein was, that Liberty the Jews had taken, from this Law of *Moses*, to divorce for *any* Cause they themselves pleased; but that for such

Mat. v.
17.

moral Causes as were included in that Law in *Deuteronomy*, taken in its true uncorrupted Sense, and which we conceive that Law was given for, it was never the Intention of our Lord to deprive his Followers of such *just* and *equitable* Release, as by that Law they might have from *intolerable* Evils: For the Liberty granted by the Law in *Deuteronomy* being agreeable with *Morality*, if such Moral Causes of Divorce as were thereby allowed of God, were by our Saviour intended, under the Gospel to be taken away, he so far destroyed even the *Moral Law*, which yet he declares he *came not to do*.

Fourthly. And, *Fourthly*, it seems not only *probable* but *certain* that *some other* Causes than Adultery are here intended by our Blessed Lord, because his great Apostle St. Paul declaring a Dissolution of the Bond of Matrimony to be in the Case of *Desertion*; if our Lord does not here allow of *any other* Cause than that *One* of Adultery, it would follow, either that that Apostle was not therein divinely inspired, or that the *Holy Spirit* of God does in one Part of Scripture, gainsay the *Incarnate Word* of God in another: Either of which, we conceive too blasphemous to be asserted.

Now,

Now, that St. *Paul* allows a Dissolution of the Marriage Bond, in the Case of *De-^{1 Cor.}sertion*, and of the deserted Party's marry-^{vii. 15.}ing again, we find in these Words, *But if the Unbelieving depart, let him depart. A Brother or Sister is not under Bondage in such Cases.* Which Text, is not only by most learned Divines understood to take in all Cases of Desertion, and not that one alone of an Infidel's deserting a Believer; and upon good Grounds of Reason so taken, when the Inconveniences are equal, by whomsoever that Desertion is made, whether Infidel or Believer: But also, in a just Conformity thereto, by the Laws of some Protestant Countries, if a Woman wilfully elope from her Husband, and will not upon due Call return, the Marriage is declared void, and the Man is at Liberty to marry again. And even the Laws of this Nation do allow of a second Marriage, to the Man or Woman, after a certain Term of Desertion, let that Desertion have been for what Cause soever; which we think to be a more authentick Exposition of St. *Paul*, than that of any private Person, whether *Clergyman* or other.

We see then, that notwithstanding whatever rigorous Interpretations of the Laws of Marriage

Marriage, have been imposed on the World,
 by that Church which, for her own secular
 Ends, has made bold with all Things sacred;
 in which the Policy of the *Devil* might be,
 to make God's Gracious Ordinance abhorred,
 and all inordinate Licence to abound, by
 tying Men up under most insupportable
 Burthens; and which, from our Spiritual
 Courts continuing to act by the *Roman*
Cannon Law, still keep up in the blind
 Multitude an Opinion of the Indissolubility
 thereof; that yet, under the *Gospel Dispens-*
sation, the Bond of Marriage is not so sacra-
 mental, as that *no* Cause whatsoever can
 dissolve it: Nor would the Current of Opi-
 nions be that way, had the *Canons* com-
 posed in the Reign of the hopeful King
Edward the Sixth, but which, through his
 early Translation from his earthly to a hea-
 venly Crown, were not established by Act
 of Parliament; had, I say, those Canons
 taken place, and become the Rule of Prac-
 tice in our Spiritual Courts, we are per-
 swaded, the Opinions of all Men, Clergy as
 well as Laity, would now have been as
 much for *second Marriage* after Divorce for
Adultery, *Desertion*, and *all other* Causes
 allowed by those Canons, being allowable
 by the Laws of God, as they are now for
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the *Indissolubility* of the *Bond*, from their being accustomed to a contrary Practice, through the defective Reformation of those Courts. *So greatly does Education and Prepossession out-sway the Reason of Mankind!*

But, *Fifthly*, That our Blessed Lord, by Fifthly. making use of the Word *Fornication*, did not mean *Adultery*, or intend to confine the Dissolution of Marriage to that *one Crime* only, appears manifestly from hence; That to limit it to *Adultery*, contradicts the Purport of our Saviour, of enjoining a higher Degree of Sanctity under Matrimony, than the Law of *Moses* had done; for *that* made *Adultery* (in either Party) to be *Death* *Lev. xx. 10.* whereas the affixing this Sense to the Text of our Lord, makes even the Woman (in whom the Crime is more pernicious) upon the utmost Proof, to be liable to a *Divorce only*. From whence we argue, that as the Word *Fornication* cannot be construed a Defilement of the Marriage Bed; it must necessarily be understood to be some *other* heinous Transgression, or flagitious Behaviour of the Wife to her Husband, such as violates the Marriage Vow, and Bond of Amity and Love.

And

And herewith the Opinion of *our Church* concurs, that a Marriage may be null and void for *other* Causes than Adultery: As appears undeniably from her Office for the Solemnization of Matrimony; wherein the Priest, before his joining the Parties together, addresseth himself to them in these Words. *I require and charge you both (as ye will answer at the dreadful Day of Judgment, when the Secrets of all Hearts shall be disclosed) that if either of you know any Impediment why you may not be lawfully joined together in Matrimony, ye do now confess it. For be ye well assured, that so many as are coupled together otherwise than God's Word doth allow, are not joined together by God, neither is their Matrimony lawful.* Here we see our Church allows, that a Marriage may be void in the Sight of God, notwithstanding the Ceremony of the Matrimonial Office having been performed, if there be such concealed Impediments, as by God's Word are a Disallowance of the Parties being coupled together; and whatever *concealed* Impediments do render a Marriage void before *God*, must null such Marriage in the Sight of Men too, were those Impediments *known*, unless we
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can believe that Humane Laws can bind, in Opposition to the Laws of God; or that the force of such a concealed Impediment as makes a Marriage void before God, can neither be totally annihilated, or rendered less an Impediment, by the Priest's joining the Parties together, than it was before such joining. And by like force of Reason, whatever does in the sight of God render a Marriage void at the Time of its Celebration, must render it equally void whensoever such Cause shall afterwards happen, or be discovered. Moreover, if a Marriage be void before God, for Impediments *concealed* by either Party, it must be likewise void before Him, for such Impediments, as although they cannot be properly said to be *concealed* by the Party, because the Party is insensible of having such Impediments; yet may possibly be *such* as are more grievous to the Party's Yoke-fellow, and do more frustrate *some* of the Ends of Marriage, than any other Impediment which the Party could have discovered but wilfully concealed, can frustrate *other* Ends thereof. Now the Impediments which render a Marriage unlawful before God, as they must be collected from his Word, expressed, or by plain or clear

clear Inference implied; so from his Word *alone* singly and impartially Studied, without any byass or leaning of Judgment, or other Prejudice or Prepossession whatsoever, from the Canons or Usages of any Humane Court: And whatever from thence can be collected to be an Impediment to any *one* of the Ends of Marriage, any other Thing equally collected thence, contrary to any *other* End of Marriage, must be of equal force to null such Marriage. What those Impediments be, which the Church in her abovesaid Address may intend, we do not here enter into an attempt to enumerate: But, as they are such as existed, as were *in esse* at the very Time of celebrating the Marriage, (for it is before the Knot is tied, that the Parties are required to disclose them) *Adultery* cannot be intended to be any of them, because each Party being as yet in a single State of Life, has not been capable of committing *that* Crime: Therefore, our Church must be necessarily understood to admit, that Marriage may be made null and void by *other* Causes or Impediments than that of *Adultery*. And we think that a great Part of those Opinions which are so strenuously adhered to, either
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of an *absolute Indissolubility* of the Marriage Bond, or of *Adultery* being the *single Cause* for a Dissolution, would be removed, if Men would duly consider but this *one Thing*, which we see our Church grants, That all Couples over whom the Priest has pronounced the Matrimonial Office, although *that* be what *in the Eye of the Law*, makes them pass for Man and Wife; that yet however, they are not *thence*, of necessary consequence joined together by God.

But, not to insist longer on what we think appears (to speak the most modestly) *greatly probable*; that the *very Bond* may be dissolved for *other Causes* than Adultery or Desertion: In which Opinion we are supported by the Pious and Learned Compilers of the aforesaid Canons, at the Time of the Reformation; by which Canons, was allowed to the Innocent Party, not only a *Separation by Divorce*, but even a *second Marriage* in all these Cases, *viz.* both for *Adultery*, and *Desertion*, either wilful or

only accidental, if no certainty could be had of the absent Party's being alive, and the second Marriage in this Case to stand Good, though the former Party should afterwards return again; and also for an *Attempt of the*

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Reform.
Leg. Eccl.
fol. 49, c. 5.
f. 50, 51, c.
8, 9, f. 51,
c. 10, fol.
52, c. 11.

one upon the Life of the other, either by open Force, or secret Mischief; and likewise for *cruel Usage*. Which Opinion ought to have its Weight with all, who value our Reformation from the corrupt Church of Rome. But, I say, not to insist longer on the Causes for a *Dissolution* of the very *Bond*; we will now consider *Thirdly*, whether our Blessed Saviour does forbid *all Separation* of the Parties, while the *Bond* of Matrimony is *existing*, when through some particular Defect in the Laws of our Nation, or that Imperfection which will be in all humane Laws, such Separation cannot *legally* be obtained.

Thirdly.

Now, although at first sight it might seem, as if our Blessed Lord had *forbidden all Separation*, in the 19th Chapter of St. *Matthew*, in his Discourse with the *Pharisees*; yet, upon a strict View and Consideration of that Discourse, we shall find, that by the whole Scope thereof, the *only* Point touch'd on was, the *Dissolubility* of the *Bond* of Marriage: For, when the *Pharisees*, by way of Reply, urge the Law of *Moses*, as well as found their first Question upon the Custom practiced amongst them, through a false Interpretation of that Law, they

they could be understood to speak in *no other* Sense than of *such* a Separation or Divorce as by *that* Law and Custom they were habituated to; nor can the Answers made by our Saviour be taken as spoken by him, or as understood by them in *any other*. The like may be said of the Words of our Blessed Saviour in St. *Matthew*, v. 31, 32, where our Lord speaking of what was in the Law of *Moses*, must necessarily be understood to intend *that Kind* of Divorce, which by *that* Law was allowed of, *viz.* such an *absolute Divorce* as might be followed by a second Marriage; and which appears plainly from the last Part of his Words, that *who-so-ever shall MARRY her that is Divorced, committeth Adultery*. So, in St. *Mark* x. the Discourse between the *Pharisees* and our Lord, being singly concerning *such* a putting away of the Wife as was allowed by the *Law of Moses*, our Lord can be understood to speak of *no other* than a Divorce which allowed of a *second Marriage*; and although he speaks it more darkly to the *Pharisees*, whose questioning him with intent only to tempt him, deserved to receive no other than an ambiguous Answer; yet, upon his explaining thereof, immediately

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after to his Disciples, he expresses himself so clearly, as to leave it out of all doubt, that the *sort* of Divorce he had spoken of, was *such* as was or might be attended with a second Marriage, which *re-marrying* was that which caused the Separation or Divorce to become the Crime of *Adultery*, as may be seen in the 10th, 11th, and 12th Verses. And the very same we find, almost in the same Words, in St. *Luke* xvi. 18. From all which it appearing, that the *Divorce* spoken of by our Lord, in every Place recorded by the Holy Evangelists, being *solely* concerning *such a Separation* as allowed of a *second Marriage*, there is nothing there that can be so construed, as that a *bare Separation*, distinct from a *Dissolution of the Bond*, is forbidden by any Words of our Saviour, if from other Scriptures the lawfulness thereof may be gathered. And were there nothing thereof to be collected from other Parts of the Sacred Writings; yet may the Legality thereof, by very reasonable Inference, be drawn from our Saviour's *Silence* concerning *such a bare Separation* as is distinct from a Power of *second Marriage*, when so fair Occasions offered, of his speaking thereto, as our Blessed Lord cannot be supposed to have
past

past by without touching thereon, had *such* sort of Separation been a Thing intended by him to be disallowed under the Gospel Dispensation.

But then, when we consider St. *Paul* (as we have seen) in the Case of *Desertion*, telling us we are *no longer under Bondage*, which Cause of Divorce that Apostle thought requisite to be mentioned by him, because it had not been expressly, though we think impliedly, spoken by our Lord; and our Saviour having granted a Dissolution of the *Bond* to follow upon a *Defilement of the Marriage Bed* (if for no other Cause) which therefore the Apostle thought needless for him to repeat, after it had been once declared by his Lord: We think it may thence be reasonably argued, that *so strong* a Remedy as a *Dissolution of the Bond* being provided for those two Cases of *Desertion* and *Adultery*, the former whereof is rather a Privation of Good, than a positive Evil; and both of them (saving the Injury which may accrue from the latter to *Posterity*, by a *spurious Issue*) being to the *Man himself* a less grievous Burthen, than such an unfociable, useless, helpless, perverse Wife, as renders a *Man's whole Life* one continued Scene of

Torment. We say, if so strong a Remedy as a *second Marriage* is allowed for *lesser Evils*, and which chiefly respect the *Body*; it follows with great Analogy of Reason, that for *greater Evils*, and such as respect the chief and principal Part of Man, the Peace, Quiet, and Comfort of his *Mind*, and which are as opposite to *some* of the Ends of Marriage, as Adultery or Desertion are to *others* of them, some Remedy should also be; and that therefore, where a Man meets with such a Wife, as either by Nature cannot, or through perverseness of Mind will not answer any of the Ends of Marriage, that he may justly separate himself from her; the Remedy being *less*, while the Evil, to which such lesser Remedy is applied, is *greater* than *that*, for which our Lord and his Apostle do allow of so much a *stronger* Remedy, even a second Marriage.

That our Lord did not, in express Words, enumerate *all* the Causes for Divorce or Separation, is not to be wondered at. For, as God, in delivering the Ten Commandments to the People of *Israel*, from Mount *Sinai*,* did in them express only the *Chief Act*, to which each Commandment had relation,

lation, leaving all lower Crimes of the same Species or Class, all lesser Sins which have a tendency to lead to the greater, or may be referred to such respective Head, to be inferred; as is on all Hands agreed, that they are included, and intended, though not named: So, we may believe, that our Blessed Lord, in congruity with the Manner of giving *that* Law, did, in the giving of *his own* Laws, leave a great deal unsaid, which from the purport of what he had spoken, our own Reason would naturally supply. And therefore, though we should admit, that *only* Adultery and Desertion are *expressly* declared to be a Dissolution of the Bond of Marriage, or a lawful Cause for Separation; yet we may reasonably believe, that *every Thing* which totally frustrates *any* of the Ends of Marriage, is likewise a just Cause for Separation; because it is to be presumed, that the Reason why our Saviour intended those *two Crimes* should dissolve the Contract, was, because *some* of the Ends of Marriage were by them frustrated. Now if the frustration of *one End* of Marriage is a Dissolution thereof, why shall not the frustration of *any other as necessary End* thereof,

thereof, be likewise a Dissolution of that Contract?

And as in all Reason it is to be expected, that when a Redress is provided for *lesser* Evils, some Relief should be for *greater*; although we find not that Relief in express Terms, in the Holy Scriptures of the New Testament, (as some say) yet seems it capable to be thence collected, both from St. ^{1 Cor. c. 7.} *Paul*, and from our *Lord* himself. From the former, when, after laying before us the Duties of the Husband and Wife, least we should apprehend those Duties to be perpetually binding, upon every the most comfortable Marriage, he explains himself, by ^{v. 15.} telling us, that *God hath called us to Peace*: That what he has spoken, is *for our Profit*, ^{v. 25.} *not that he may cast a Snare before us, but for that which is comely, and that we may attend upon the Lord without distraction*. But if no Separation may be from the worst of Women, unless she desert or commit Adultery, what can be a greater *Snare*, what can be less for *Peace*, what less for *our Profit*, what can cause greater *Distrac-tion* even in *attending upon the Lord*, in any of the Duties of his Worship? — Those unhappy Men who feel it, can say this
more

more sensibly than is to be described, or almost apprehended, but from lamentable Experience.

And as from *St. Paul*, so also is it to be gathered from *our Lord* himself, in his Discourse with his Disciples, who upon their hearing what their Great Master had immediately before said to the *Pharisees*, touching Divorce; they, from having been bred up in the Customs of their Nation, then much depraved by its departure from, and false Glosses put upon their Law, and who as yet were of mean Apprehensions, till enlightened by the Descent of the Holy Ghost upon them, after our Lord's Departure; they therefore apprehending that our Lord had made so vast and so severe an Alteration in their Law, as to have forbidden *all* Divorce or Separation, do, with a seeming Astonishment, apply to him, and say, *If the Case be so of the Man with his Wife, it is not good to Marry*; as if they had said, "If a Man is in all Cases restrained from putting away such a Wife, as he can with no Comfort live with, he had better not Marry at all, than run the hazard of being frustrated of all the Purposes of Marriage, and yet be restrained from any

St. Matt.
xix. 10, 11,
12.

St. Matt.
xix. 10.

“ Liberty, either of seeking for them else-
 “ where, or even of disentangling himself
 “ from such unexpected and insupportable
 “ Discomfort.” To which our Lord re-

v. 11, 12.

turns this Answer, *All Men cannot receive
 this saying, save they to whom it is given,
 for there are some Eunuchs which were so
 born from their Mother's Womb: And there
 are some Eunuchs which were made Eunuchs
 of Men: And there be Eunuchs which have
 made themselves Eunuchs for the Kingdom
 of Heaven's sake. He that is able to re-
 ceive it, let him receive it:* As though he
 had said, “ Do not mistake what I have
 “ spoken, as if I had in all Cases forbidden
 “ any Separation, after a Marriage once en-
 “ tered into, for there are difference of Cir-
 “ cumstances, which will very much vary
 “ the Matter: All Men are not capable of
 “ that prudential Aphorism, *that a single
 “ Life is more profitable and fit for their
 “ Turn, than Marriage,* but those only
 “ whom God hath some Way more than
 “ ordinarily fitted for it by special Gifts;
 “ and for such, it is good, both that they
 “ should Marry, and though they do not
 “ meet with all those Comforts which
 “ ought to be had in that State, should
 bear

“ bear with and undergo those Disap-
 “ pointments, as long as they are any way
 “ tolerable, rather than Separate, knowing
 “ that such Separation will, in all likeli-
 “ hood, lead them into Temptations to Sin,
 “ beyond their Ability to resist: There are
 “ others indeed, who are naturally enabled
 “ to keep under their Carnal Desires, and
 “ live chastely unmarried: Some again, are
 “ by Men disabled (of which among the
 “ *Heathen* there were many, ordinarily
 “ called *Eunuchs* :) And some, through
 “ firmness of Resolution, have gotten that
 “ Mastery over themselves, that they can
 “ live chastely in a single Life, and do so,
 “ on purpose that they may have fuller Va-
 “ cancy for applying themselves to a Life
 “ of Devotion, Heavenly-mindedness, and
 “ the Duties of Christianity: He that can
 “ do so; he that can live chastely in a State
 “ of Celibacy, let him do as he will, he may
 “ take his Choice, to live unmarried, or if
 “ in marrying he finds such a Wife as ren-
 “ ders his Life uncomfortable, and frustrates
 “ all the Ends of Marriage, I do not gain-
 “ say his separating from her, for the Peace
 “ and Quiet of his Mind; if he can do
 “ either, and live in Purity, let him so do.”

From

From which Discourse of our Blessed Lord with his Disciples, as it seems to respect, or at least include a State of *Separation*, distinct from a *Dissolution* of the *Bond*; so does it rather encourage it, when no Comfort is to be had in Marriage, and that it be consistent with Purity, than any ways disapprove or forbid it.

From what has been said, we think that an Allowance of *such Separation* as we have been speaking of, viz. a *living separate*, notwithstanding that the *Bond* is not dissolved, may be very fully collected. (And by how much greater Latitude may be discovered in the Gospel, for a Dissolution of the *Bond* of Marriage, by so much less was there any need to set forth a Liberty of a *bare Separation* distinct from an *absolute Dissolution*.) And in this our Opinion we are strongly supported, by what we find to have been the standing Opinion of our own *Legislators*; for it cannot be gainsaid, that it has been constantly their Opinion, that it is not disagreeable to the Laws of the Gospel, that a *Separation* may be, in case of a very uncomfortable Life, even where the *Bond* continues to *exist*; because, tho' by the Laws of this Nation, such Separation cannot

cannot be, but by special Leave of the *Legislature*, yet Instance of such Leav^s having been, even within our own Memories, and that upon very full and deliberate Consideration, we owe that Deference to the Legislative Power, as to presume it had not been granted by special Laws made on purpose for some *particular Persons*, but upon a full Perswasion of its Allowableness to *all Christians* by the Law of God. Nay, that the *Band* itself may be dissolved for *Hard Treatment*, was the Opinion of the Composers of the aforesaid Canons of King *Edward* the Sixth, in the Time of our Re-
 forming from the Church of *Rome*, whereby, in such Case, they allowed both of Divorce, and a *second Marriage* to the innocent Party; which, had that King lived till the Establishment of those Canons, would have been the Practice of our Ecclesiastical Courts, without immediate Application to the Legislature, in particular Cases.

Reform.
 Leg. Ec-
 cles. Fol.
 51. Cap.
 11.

We know indeed, that our Blessed Lord has laid down a very positive Command, *Mat. xix 6. What therefore God hath joined together, let not Man put asunder.* And far be it from us to think, any Attempt to put asunder what God hath joined together,

to

to be any less such an Offence as, without Repentance, must end in eternal Perdition, than any other the most heinous wilful Transgression of his Law: But there can be no Crime, rather is it a Duty to separate what God has *not* joined together. And there can be little doubt, and (as before observed) our Church does admit, that some Couples who are joined in Wedlock, are *not* joined together by God. The Charge (before recited) in the Beginning of the Publick Office for Solemnization of Matrimony, does suppose it, and takes that Caution to prevent it: For, by reason of the many secret Impediments which may be undiscoverable by *Man*, she therefore adjures them by *the Dread of that Judgment where the Secrets of Hearts shall be disclosed*, to confess any Impediment that either of them know of, assuring them, that *whoever are coupled together otherwise than God's Word doth allow, are not joined together by God, neither is their Matrimony lawful*. The bare being joined together then, by Solemnization of the Matrimonial Office, is not enough to fix a Belief that God hath joined together, when from Scripture and Reason

we

we see Cause to believe the Parties ought rather to be separated.

For our still clearer Light then, we go on to consider, what are the Duties of the married State, as they are laid down, by the Apostles of our Lord, in the New Testament.

And first, St. Paul tells us, *Now concerning the Things whereof ye wrote unto me:* 1 Cor. vii.

It is good for a Man not to touch a Woman. Nevertheless, to avoid Fornication, let every Man have his own Wife, and let every Woman have her own Husband.

Hitherto we find only a Direction, for what Purpose a Person ought to marry: But now, if upon marrying, the Case should happen to be such as we have already spoken of, in considering the *Second End* of Marriage mentioned by our Church, and which cannot be innocently known before the Parties are actually married, this Reason here laid down by St. Paul in the second Verse, has not its Effect: And why may not, in *such Case*, the Advice or Opinion of the Apostle, in the Position by him laid down in the first Verse, be rather to take Place? and might possibly be *one* of the Cases, concerning which, the *Corinthians* had written to him, and to which, in these two Verses

Verſes, he may be returning an Answer; For we at this diſtance, having no Information of the Occaſion of his Writing, but what is to be gathered out of the Epistles themſelves, it is not ſtrange that many Things in them lie concealed from us, which no doubt they who were moſt immediately concerned in the Letters, underſtood at firſt Sight.

The Apoſtle goes on to ſtate the Duties of married Perſons, thus.

Let the Husband render unto the Wiſe due Benevolence: And likewiſe alſo the Wiſe unto the Husband. The Wiſe hath not Power of her own Body, but the Husband: And likewiſe alſo the Husband hath not Power of his own Body, but the Wiſe. Defraud ye not one the other, except it be with Conſent for a time, that ye may give yourſelves to Faſting and Prayer; and come together again, that Satan tempt you not for your Incontinency. But I ſpeak this by Permiſſion, and not of Commandment. — But if they cannot contain, let them marry: For it is better to marry than to burn. And unto the married I command, yet not I, but the Lord, let not the Wiſe depart from her Husband: But if ſhe depart, let her remain unmarried,

unmarried, or be reconciled to her Husband:
And let not the Husband put away his
Wife.

And elsewhere, *Wives, submit yourselves* Ephes. v.
unto your own Husbands, as unto the Lord.
For the Husband is the Head of the Wife,
even as Christ is the Head of the Church:
And he is the Saviour of the Body. There-
fore as the Church is subject unto Christ, so
let the Wives be to their own Husbands in
every Thing. Husbands, love your Wives,
even as Christ also loved the Church, and
gave himself for it; that he might sanctify
and cleanse it with the washing of Water by
the Word; That he might present it to him-
self a Glorious Church, not having Spot or
Wrinkle, or any such Thing; but that it
should be Holy and without Blemish. So
ought Men to love their Wives, as their own
Bodies: He that loveth his Wife, loveth
himself. For no Man ever yet hated his
own Flesh, but nourisheth and cherisheth it,
even as the Lord the Church: For we are
Members of his Body, of his Flesh, and of
his Bones. For this Cause shall a Man
leave his Father and Mother, and shall be
joined unto his Wife, and they two shall be
one Flesh. This is a great Mystery: But I
speak

Speak concerning Christ and the Church. Nevertheless, let every one of you in particular, so love his Wife even as himself; and the Wife see that she reverence her Husband.

Colof. iii. *And again, Wives, submit yourselves unto your own Husbands, as it is fit in the Lord. Husbands, love your Wives, and be not bitter against them.*

1 Pet. iii. *And St. Peter lays before Husbands and Wives, their Duties to each other, in these Words, ye Wives, be in Subjection to your own Husbands; that if any obey not the Word, they also may without the Word be won by the Conversation of the Wives. While they behold your chaste Conversation coupled with Fear. Whose adorning, let it not be that outward adorning of plaiting the Hair, and of wearing of Gold, or of putting on of Apparel. But let it be the hidden Man of the Heart, in that which is not corruptible, even the Ornament of a meek and quiet Spirit, which is in the Sight of God of great Price. For after this manner in the old Time, the holy Women also who trusted in God, adorned themselves, being in subjection unto their own Husbands; even as Sarah obeyed Abraham, calling him Lord: Whose Daughters ye are as long as ye do well, and are*

are not afraid with any Amazement. Like-
wise ye Husband, dwell with them accord-
ing to Knowledge, giving Honour unto the
Wife as unto the weaker Vessel, and as being
Heirs together of the Grace of Life: That
your Prayers be not hindered.

Now, not to make any distinction, where
even St. Paul himself makes, of what he
says only by *Permission*, and what from *the
Lord*; but taking the whole, as equally the
immediate Inspiration of the Holy Ghost:
If all or any of these Duties are to be under-
stood as universally obligatory; and that
every Man and Woman, from the Moment
of their Marriage till the Hour of their
Death, is unalterably bound thereto, what-
soever Discouragements or Impediments they
may meet with in their Yoke-Fellow; the
Terms of the Gospel would be so far from
being a Dispensation with the Rigour of the
Law, as they are justly esteemed to be, that
the Rigour of the Gospel would in this Case
become heavier than *any Part* of that of the
Law; and several such very absurd Conse-
quences would follow, as were most irreve-
rend (to use no worse Term) for us to attri-
bute to the infinitely wise, merciful, and
just God: Many of which Consequences are

H

more

more proper to be recollected in every Man's own private Thoughts, than fit to be expressed.

Bishop
Blackall.

And therefore, where there are very manifest, and intolerable Inconveniences, in understanding a General Precept to be universally binding, it is a just Prejudice against that Opinion which teaches it to be so understood: "This alone indeed is not sufficient to prove a Thing lawful against a plain Precept; but this alone is reason enough to incline us to think there is no such Precept, and to put us upon enquiring whether there be any such Precept or no, and whether it must necessarily be understood in that Sense; and to oblige us to put some other Interpretation upon it, if it be fairly capable of any other Sense."

As for instance; What is a more indispensable Duty of a Christian, than that of Almsgiving, and in what more general and positive Words could that Precept have been delivered than it is by our Blessed Lord, *Luke vi. 30. Give to every Man that asketh of thee?* But no Man, since the Time of those Words being pronounced, ever thought they were to be understood strictly, but according to Equity, and with reasonable Limitations

Limitations and Restrictions. So, in *Math.* vi. 19. *Lay not up for yourselves Treasures upon Earth*, is as positively pronounced as Words can do it; yet if this is to be as absolutely taken, as it is expressed, how can the Necessities and Duties of Life be answered? what Provision can be made for Families, or Children? what Trade or Commerce can be carried on in the World? And so again *Luke* xii. 29. *Seek ye not what ye shall eat, or what ye shall drink*, which is impossible to be understood positively, by at least three Quarters of the World, who must neither eat nor drink at all, unless they seek it, and seek it in earnest too, with Toil and great Pains. And thus in many Places of Holy Writ.

And if all Precepts and Rules laid down in general Terms in Holy Scripture, are without distinction to be applied in Practice, to all Cases whatsoever, wherein there may be such Exceptions, as when they happen, will from Reason justify themselves, and which, for their *Odiousness*, it might seem good to the Spirit of God, rather to leave to our own Reason (diligently, impartially, and without Prejudice exercised, with a sincere Desire of knowing the Will of God) to find

Mat.
xxiii. 2, 3.

Mat. xv.
6, 9.

out, than to express them in plain Terms; we say, if such an undistinguishing Application in *Practice* is to be made, the *Words* of Scripture may be perverted to the Reverse of the *Purpose* of them. We have an Instance hereof in these positive Words of our Saviour, *The Scribes and Pharisees sit in Moses's Seat. All therefore whatsoever they bid you observe, that observe and do.* But he must know little of our Blessed Lord's Will, that would take this for an unlimited Command to observe the Scribes and Pharisees, when our Saviour himself elsewhere condemns their *teaching for Doctrines the Commandments of Men; and making the Commandments of God of none effect by their Traditions.* It was one of the criminal Errors of those Scribes and Pharisees, and one of the Deficiencies of their Righteousness, that they regarded only the *Letter* of the Law, *not* the *Intention* of it; they minded the *Words* of the Commandment, *not* the true *Meaning* and *Design* of it. And we fear that even since the Time of the Scribes and Pharisees, this *one* Error, of not sufficiently distinguishing the *Reason* of a general Command in Scripture, and the *Nature* of its Subject Matter, has greatly

greatly misguided and entangled the Consciences of many innocent Souls, not only in Matters, wherein the Peace and Happiness of particular Persons or Families may be concerned, but of more *Publick* and *National* Importance. And tho' we are not to depart from plain Scripture, to support our own unreasonable Humours, or worse Purposes; yet the Word of God being given to us as *reasonable Creatures*, we both may, and must use our *own* Reason for discovering its true Intent and Meaning, and not lean on other People's; "for (as a very learned Author observes) if I must *believe* for myself, it is unavoidable that I must *understand* for myself, because if I blindly with an implicit Faith take any Man's Interpretation of Scripture, without examining whether it be Christ's Meaning, 'tis that *Man* I believe in, not in *Christ*; 'tis what *he* says I embrace, for what *Christ* says I neither know nor concern myself; I make myself that *Man's* Disciple instead of *Jesus Christ's*: And it will be no less Sacrilege in me to substitute any other in *his* Room to be my *Prophet*, than to be my *King* or *Priest*."

1 Tim.
i. 5.

It requires therefore a very circumspect Care, not to supersede our *own* diligent Search into the Meaning of our Lord and his Apostles, by the more easy and indolent Method of implicitly acquiescing in Notions, how generally soever received; for, as we are not to take a Latitude not given by the *Laws* of God, so, not to think ourselves bound to more than really we are, nor to make his Laws more rigorous than his Wisdom has made them, especially when that Rigour is on the Side opposite to what is the *End* of all his Laws, *Charity*; nor either to loose what he has bound, or to bind where he has loosed: And hardly in any Case needs there more of this Caution, than with Respect to the *Marriage Bond*; for if, by stretching it beyond God's Appointment, we meet with Afflictions therein, 'tis *not* God, but *ourselves* who lay them, and which then we can neither expect support under, nor deliverance from, as we piously may when they come from *his* Hand: And if we entangle ourselves in a Yoke not laid on us of God, and consequently less immediately under his Protection, ought we not to fear, that we may endanger our being tempted to such
Acts

Acts as will indisputably dissolve the Matrimonial Tye, rather than undergo a Bondage, uncomfortable, and perhaps insupportable to Humane Nature, unassisted by Divine Grace and Strength?

We say not this, to weaken the Force of the Duties here laid down, for the Husband and Wife to render to each other due Benevolence: that they each have not Power over their own respective Body, but either the Power over the other: that they are not to defraud each other, but with consent, for a Time of Devotion, and to return to each other again: that they are not to depart from, or put away each other: that the Wife is so to reverence, and to be in Subjection to her Husband, as the Church is to Christ: That the Husband is to love and cherish his Wife, as Christ does the Church, and to dwell with her according to Knowledge, giving honour to her as the weaker Vessel. All which, as they relate to the *general Purpose and Intent* of Marriage, which is the *only* Thing both these Apostles are here treating of, and not as if they would exclude *all exception* from these *general Rules*, for any Case howsoever circumstanced; nor could such an Exclusion

be, without St. *Paul's* contradicting both *his Lord* and *himself*; that in general, these are indispensable Duties, and what *ought* to be in *all* Marriages, we readily grant; but then, it must be as readily granted, that as *one* (and we think *more* than one) Exception is, without Controversy, made by our Blessed Saviour, and *another* by his great Apostle, that in those *two* Cases then, that Benevolence mentioned by St. *Paul* ceases to be due: That the Right or Power over the Body of the one, no longer continues vested in the other: that the forbearing Cohabitation is no longer such a defrauding, nor Desertion, such a departing from, or putting away, as the Apostle forbids; nor the Love enjoined the Husband towards his Wife, any longer such an Obligation upon him, as renders him criminal in omitting it, or not coming up to it. And if *other Cases* there be, either of a total Dissolution of the Bond of Matrimony, or of a Separation of the Parties altho' the Bond be existing, *those* likewise must be necessarily intended to be excepted out of these *general Rules*, and so far as they make a Separation lawful, are a Suspension of the Duties here spoken of

Now

Now *all* the Duties of the married State, mentioned by these Apostles, are reducible to these *two* Heads; a *Love of Complacency*, with respect to the *Mind*; and *Cohabitation*, with respect to the *Body*: But where, according to *the Frame of our Nature*, neither of these are attainable, the Obligation thereto must *there* necessarily cease.

As to the Former then. In order to a true Knowledge of the Husband's Obligation thereto, we must enquire what is the *Nature of Love*. For as a late most Reverend Divine of our Church observes concerning our *Thoughts*, "that it is in vain to
 " give Rules for the Government of them, Archbp.
 " till we know how far we have the Power Sharp.
 " over them; and that for want of enquiring
 " into, and settling that Point, many have
 " received more harm than Benefit, who
 " finding themselves not able to live up to
 " the Instructions given them, have concluded themselves to be in Fault, instead
 " of considering that their Teacher might
 " be in a Mistake, or that he did not sufficiently weigh the Case of all Persons he
 " gave his Advice to." So may it be said of our *Inclinations* and *Affections*, that it can be of very little Use to tell People
 how

how they ought to govern them, till they know how far the Government thereof is within their own Power. And this is very necessary to be considered, with respect to the Married State, because, tho' it be undeniable that *Love* will render many Inconveniences both tolerable, and sometimes imperceptible, where the Mind can be wrought up into a Conjugal Affection, yet that may sometimes be, more in a Man's Desire, than in his Power, if we consider the *Nature* of that Affection which we call *Love*: For, (not to meddle with it as an Attribute of the Deity, whose Emanations are ever from his own incomprehensible Wisdom, Power, and Goodness; neither examining what it is in the Animal Part of the Creation; nor what it may be in the Spirits of just Men made perfect, it being yet hidden from us what Enlargement our Faculties may attain to in that consummate State) in our present Condition it is, *an Affection which we have for an Object considered by us as a Good.* Or in other Words, 'tis *a pouring out, or Effusion of the Mind and Will, which issues out of itself, to diffuse itself upon an Object that seems capable to make it happy.* So as that the Soul of Man is not capable of the

Exercise

Exercise thereof towards any Object; *meerly as an Object*, but for some *Quality* in that Object causing a Complacency in the Imagination of the Agent: For *as the Eye cannot see but what is Visible, nor the Understanding conceive what is not Intelligible; so the Will cannot love and chuse what is not* (at least in shew) *Amiable*.

Which Definition of *Love*, is not only universally true, as to all *Created Objects*; but if we carry it up to the *Creator*, we shall find that there also, the *Affection*, even in the State of Innocence (the Mind of Man retaining its purest Ideas of the Supreme Being, unprejudiced by Vice or Passion) was moved towards God by the Excellencies he understood that *Being* to be endued with; and the only Sense in which we can be said to love God *for himself* is, because his *Perfections* for which we love him, are his *very Essence*: For were it possible to conceive of the Deity, *simply as a Being*, divested of, or distinct from its essential Perfections, we apprehend that the Mind of Man could not exercise any Love towards him, because our Affection is naturally incapable of any *Efflux*, but as incited by

by the Amability of an exterior Object. And that the Intention of the *Creator* is, for the Nature of it in us to be thus, appears, in that he ever requires our Love to himself, from the Consideration of one or other of his Excellencies as the Motive, and never *meerly* from his *Being*, abstractedly consider'd. And this Intention of the Creator, as we discover it so to be in his Word, so we find it to be thus in Experience,

Bp Fleet-
wood.

“ That something Good past, present, or
“ promised for the future, is the sole Foun-
“ dation of our Love to God, it terminates
“ upon ourselves and *our own* Good, and
“ where we neither have, nor do Experi-
“ ence that, nor have any Good in Hope
“ or Prospect, it is impossible to Love.”

Bp Wil-
kins.

To which we shall add the Words of another Great Prelate of our Church: “ When
“ Men are convinced that their utmost Feli-
“ city doth consist in the Enjoyment of
“ God; this is what properly provokes Af-
“ fection and Desire, namely, his *relative*
“ Goodness as to us; so that this Virtue
“ (our Love to God) doth properly con-
“ sist in such a kind of Esteem of his
“ Goodness, his Justice, his Truth and
“ Faithfulness, as is withal accompanied
with

“ with a Hope and Belief of promoting our
 “ *own Happiness* by them. And this is
 “ properly the true Ground and Original of
 “ our Love to God.” For, says he, “ these
 “ Perfections of the Divine Nature, con-
 “ sidered absolutely, as they are in them-
 “ selves, abstracting from any Benefit that
 “ we our selves may have by them; in this
 “ Sense, they can only produce in us an
 “ Esteem of our *Judgments*, without any
 “ Desire or Zeal in our *Will* or *Affections*.”
 And being thus in us, with regard to the
 Creator, much more must it be so, with
 respect to all *Created* Objects.

This then being the Nature of *Love* :
 When we meet with an Object, in which
 our Minds can discern nothing Delectable
 (much more when every Thing appears such
 as naturally excites a quite contrary Disposi-
 tion in us) it is not to be expected that we
 should exercise that *Affection* which there is
 a total failure in the *Object* to move, any
 more than it is to be imagined, that be-
 cause there is naturally implanted in us,
 the Faculty to *see* and *hear*, we should ex-
 ercise those Senses when no Object of Sight
 or Hearing presents itself to us; or that we
 can see a visible Object when the Light is
 gone,

gone. For, as we know that our *Bodily Senses* are each of them fitted for receiving such Impressions, and *such only* as are proper to their Purpose; and the Objects of Sense are not applied to our several Senses indifferently, but severally to each, as each Sense is by Nature adapted or accommodated, for the entertaining, and making a Report of those Objects to the Soul or Understanding; for we do not smell Sounds, nor see Perfumes, nor hear Colours, and yet we *perceive* these as perfectly by that one particular Sense which is by Nature appointed to take the Perception thereof, as if all our other Senses aided in giving us such Perception: And as our Perception of any Object of *Knowledge* depends upon the Mutual suitableness, the Agreement or Proportion which is between that Object, and the Organ or Faculty in us, that is contrived to apprehend it: Even so, and as indisputably, must it be granted, that each *Affection* of our *Minds* or *Souls*, must have an *Object* properly suited to it, or it is impossible for *that* Affection to be put into Exercise. And as being impossible, Infinite Justice cannot require it, so *where no Law is, there is no Transgression.*

Rom. iv.
15.

If

If then in surveying and contemplating the whole Mind and Soul of a Person, upon the most intimate cognizance that several Years Marriage can give, we find ourselves linked to a meer *animated Vegetable*; (if the Expression may be admitted) is it possible to exercise that true *Conjugal Rational Love* which in its Nature can receive complacency from a Rational Object only? — In this Case there remaining nothing for the Affection to fix upon, but bare Sensuality, common to us with the Brutes, either the *Mind* can receive no long Contentment therefrom, or is sunk into a Depravity as far below its Nature, as the Excellencies of the Soul transcend the bodily Senses; and is so much the least Design of Marriage, that to enter into that State with that View only, is counted a *Prophanation of that Holy Ordinance*, appointed for much more noble Ends; and is look'd on as a certain *Argument that there is no true Love towards the Person whom we only desire for such mean Purposes*; says a great Divine of our Church.

As to the Apostles Argument, from *the Love a Man hath for his own Flesh*, to *the Husband's Love of his Wife*, we readily subscribe

subscribe thereto, in the fullest Sense in
 which the Apostle can intend it: For the
 right understanding of which, it is to be con-
 sider'd, *what* is the Love a Man naturally
 bears to his *own Body*. Now though we
 should have known from Experience, and
 the constant Course of the World, and espe-
 cially from what every Man feels in himself,
 had we never been told by the Apostle that
no Man ever yet hated his own Flesh, but
nourisheth and cherisheth it; and is our
 Duty as well as natural Inclination so to do:
 Yet is there no Precept throughout the
 whole Bible, for our Self-love to be such,
 as to supersede the use of our Reason or our
 Senses, so as that we shall not apprehend
 any bodily Defects which may be in our
 Frame and Constitution: So far therefrom,
 that nothing renders a Man more contempti-
 ble, or his Judgment more to be called in
 question, than when he is so Self-opinionated,
 as not to perceive in himself those Deformi-
 ties either of Body or Mind, which are ap-
 parent to all the rest of Mankind; and not
 only be sensible of them, but may use any
 innocent Endeavours to conceal, alter or
 amend them, where that can be done: Or
 even where a Member becomes so infected
 with

with any incurable Disease, as that either such Member must be cut off from the Body, or the retaining it will probably be the loss of the whole, his Life: It has ever been esteemed reasonable, if not his Duty, in such Case to consent to the severing of such corrupt Member, for the Good of the rest of the Body; and this without any contradiction to that innate Principle of Love which a Man bears to his own Flesh; nay in Truth, is the genuine Effect of that Self-Love which, *in the general*, is disposed to nourish and cherish the whole Body.

To apply then this Argument, as far as we conceive the Apostle could any ways intend to urge it, we say, That *in general* it is doubtless the Duty of every Man so to love his Wife as himself; but yet, let a Man's Inclinations so to do, be never so strong, yet still he may, both be sensible of whatever Defects he sees in his Wife, and may, nay ought, to use his utmost endeavours to bring her to amendment of them, in order for his Love to her to continue: Or where she becomes such an incurable corrupt Part of him, as inevitably to render his Life a State of Misery, and inconsolable Unhappiness, he may then separate himself from such Wife: And this consistently with

the Command of the Apostle, founded on his Argument of *the Love a Man bears to himself*. Especially, if we take in, what the Apostle makes Part of his foregoing Argument; *even as the Lord loved the Church*.

In considering of which Similitude of *Marriage*, representing the *Mystical Union* between *Christ* and his *Church*, and the Argument thence drawn by the Apostle, for the *Husband's Love* of his *Wife*; we are carefully to consider what is the genuine Intention of the inspired Writer. It is certain that Christ, by his Holy Spirit, will effectually preserve a pure Church on Earth till the Consummation of All Things, and therefore his Love to her will continue as long; but if the whole Church could be supposed to fall off, as we know some once famous Churches have done, then would Christ no longer esteem Her as his Spouse, any more than those particular Churches whose *Candlesticks* he has taken away. Even so, to make it the Husband's Duty to love his Wife, as Christ doth the Church, it is requisite she be *such* a Wife as (in some Measure at least) mystically resembles the Church; in which Case, he must be the last of Mankind who would not account it as much his Happiness

Happiness as his Duty to Love: But where from some unalterable Cause in Nature, or from a more criminal *Perverseness* of Mind, a Wife neither is, will, nor can be any such Resemblance, the Love of Christ to his Church cannot be intended for a Directory of a Husband's Love to such a Wife, as, if she resembles any Thing, is a mystical Representation only of those *once Churches* which are no longer owned as the *Spouse of Christ*: And though such Marriage could, in a wide Acceptation, be called a Figure of that Spiritual Union; yet the Divine Pattern being in this, as in all Cases, set before us as a Perfection which we can never attain to, though we are to Copy after it so far as our Nature is capable; it follows, that when the Husband's Love amounts so high, as till an *invincible Impediment*, either from the *inward Frame* of our *Beings*, or from *outward Objects* stops it, it is all that is required of us; and the Argument from the Love of *Christ* to his *Church*, can be drawn no further.

Now it being sometimes a Man's Lot to meet with a Wife entirely made up of distasteful Qualities, and too often the Lot of the more sober Sort, either from a higher

Power destining the most Virtuous to be the most unhappy here; or from the Nature of the Thing, that such are more easily led into a mistaken Judgment, through too charitable a Disposition, or through avoiding that Licence by which the looser Sort make a more prying previous Scrutiny: When a Man who proposed none but laudable Ends in taking a Companion, and who enters into Wedlock with a strong Resolution to perform the Duties of that State, (among which, Conjugal Love cannot be the *least* Part of his Consideration) and whose Desires of doing right, conscientiously restrain him from those Latitudes which are the frequent Consequences of a mistaken Marriage; when such a Man meets with only a sort of *Non-entity*, a privation of *all* that makes Conjugal Society comfortable to a Virtuous Mind, and the natural Incapacity, and perverse Temper of the Party, shewing no possibility of Amendment; as the Disappointment must needs be greater, than to a Person whose Passions are predominant to his Reason; so the Fears of a tender Mind, finding he cannot love so cordially as others do (who though in the like Relation, have not the like Impediments) may be apt, for want of a right Discernment,

Discernment, to suggest to himself, *that* to be his *Fault*, which is only his faultless *Misfortune*, yet such a Misfortune as verifies the Position of a noted Author, *that the Married State, with and without the Affection suitable to it, is the compleatest Image of Heaven and Hell, we are capable of receiving in this Life.*

Such Marriage then, can bear no resemblance to that Love and Union which is between *Christ* and his *Church*: And to strain that majestick Similitude to such a Contrariety, would be *Prophane* with regard to *Christ*, and *Disbonourable* with respect to his *Church*.

It appears then, from what has been now said, that there may be such Cases, wherein that complacent Love and Affection laid down by the Apostles as Duties of the Married State, are *not* attainable, and consequently are not *then* so obligatory, as that the Omission or Want thereof renders a Man *Culpable*. And this may be illustrated by one of the most Noble and most Sublime Subjects that humane Reason is capable to Exercise its Contemplations upon; we mean that of the *Goodness of Providence*. How incomprehensibly Great the Goodness of Providence would be, where it could freely

Exercise itself without any external Impediment to set Bounds to it, is too vast to be conceived by us in this Mortal State, and may probably be above our finite Comprehensions to take the Full of it, even when we arrive at a State of Glory, since even the very Angels themselves are not able to penetrate into that *one* particular stupendous Instance of the Divine Goodness in the Redemption of lost Man, by the Death of *Christ*. And yet, as vastly incomprehensible as is this innate and unconfined Goodness of God, yet we see, that when he comes to put that Goodness into Exercise with regard to Mankind, his Wisdom will not suffer, that the external Exercises of his Goodness should bear Proportion to the infinite Fulness of the Divine Nature, but to the State, Condition, and Capacities of Creatures; and cannot act absolutely, but with relation to the Nature, Quality or Desert of the Subjects who are to receive Good. As then, the other Perfections of the Divine Nature do necessarily set these Bounds to the exterior Exercises of *his* Goodness; how much more may the best Disposition of Temper in *Man* be restrained from exerting those Affections which it may be the most strongly disposed to actuate towards a Wife; when

when it meets with unsurmountable Checks and Obstructions in *her*; and this, without any Thing blameable in *himself*. As Philosophers tell us, that in natural Things, the *Causes* of Things how excellent soever, are determined in their *Effects*, by the Disposition of their *Subjects*; as we see that the Sun melts Wax, and hardens Clay; makes some Things Pure and White, and others Black.

We shall close up this Head, with this one Observation: That if the Love of Christ to, and his Union with his Church, is to be the strict Pattern for a Man to Copy after, in his Love of, and Unity with his Wife, as the Apostle does expressly require; it must necessarily be admitted to be Man's Exemplar of matrimonial Love and Unity in *every* respect: From whence it will unavoidably follow, that in some Cases a Man is, not so much at Liberty whether to put away his Wife or not, as bound to put her away, from the Example of Christ himself. For if Christ, for certain Causes, ceases to own any Church for his Spouse, does for certain Crimes put her away, and abolish that Union which once was between them, as appears undeniably from Scripture that he doth: Then, by necessary Consequence,

where a Wife, either through natural Incapacity *cannot* in any respect resemble the Church of Christ, or through *wilful Fault* becomes guilty of such Crimes as carry a strict Similitude and Parity with those Offences for which Christ does abandon any Church, no longer admitting her to be his Spouse; in such Case, a Man must either put away such Wife, or he deviates from the Pattern of our Lord, in continuing to look on her as his Wife; at least lies under no Obligation, from the Example of Christ, to Esteem her any longer as his Wife, who resembles no Spouse of Christ, save such as have fallen away, and, for such their Fall, been for ever rejected by him. — And thus much of the Similitude of *Marriage* representing the *Mystical Union* between *Christ* and his *Church*.

Let us now see, as to the other Head of Duty, that of *Cohabitation*, or those Corporeal Acts which in Decency, the Apostle, not willing to express in plain Terms, calls *Benevolence*: which Word, in its Etymology, signifying an Affection of the *Mind* accompanying an *Action*, does imply, that together with the Bodily Operation, there must also be some Complacency of Imagination, or the Act alone would be very improperly

properly express'd by *Benevolence*; and which Complacency only, can give a *humane Qualification* to that Act of the Flesh, and distinguish it from *Bestial*. That some Delectation of Mind is, *by the Creator* not only allowed, but intended to accompany the Corporeal Act, appears thus, that there is no Inclination or Affection originally implanted in the *Mind of Man*, but what there is also some Means provided in Nature for the satisfying and gratifying of; "Every
 " natural Desire must have its natural Object to answer that Desire; or else the
 " Desire was made in vain; which is a Reproach to our Wise Maker," says a learned Divine of our Church: But now, there being *no innocent* Way of gratifying that Desire what is implanted in Humane Nature to the Act of Generation (consider'd abstractedly as an *Inclination of the Mind*) but by Cohabitation in Wedlock, it follows, that in Marriage, the Creator did intend the Satisfaction of that natural Affection of the *Mind* to be had: For if the Creator had designed, that Man should perform the Duty of Marriage, meerly as a *Duty*, there had needed no more than a Command thereto, with a suitable Ability of Body; nor can it be said, that over and above those two,

an Inclination of the Mind was necessary to be implanted in Humane Nature, as the Spur or Motive without which the Action could not be performed, because there are many other Duties incumbent on Mankind, to which there is naturally no other Impulse of the Mind, but the sole Consideration of God's Command thereto; nay some, to which the Mind has (at least since the Fall of Man) naturally an Aversion, rather than any Propensity, and for which yet we are culpable in omitting the Performance. It is clear therefore, both that some degree of *Delectation of Mind* is to accompany the *Corporeal Act*, to render it properly, what the Apostle calls it, a *Benevolence*; and also, that where there are such unalterable, innate, distastful Qualities in a Woman, as necessarily overcome all Endeavour of the Husband to arrive at some degree of Desire towards her, the *Benevolence* commanded by *St. Paul*, as thus explained, cannot be paid: And since that Impediment is fixed in the *Nature* of the Party *to whom* the *Benevolence* should be render'd, the God of Nature cannot be presumed, in such Case, to require it; and without it, the Bodily Act is in no respect different from that of Beasts, and is such an Abasement of the Humane Nature,

Nature, as we conceive the Deity could never intend to sink it into.

Where then, invincible Impediments to *all* the Duties enjoined the Husband towards his Wife do happen, we may believe that *God* does not require of us, what, according to the *very Frame* of our *Beings*, composed by *himself*, he has not given us Ability to perform; and that consequently, in *such* Case, a Man may with good Conscience separate himself from such Woman.

But, to make this Matter still clearer, we will consider, *Fourthly*, such Objections to Fourthly. what has been said, as we have happened to meet with; and then conclude,

And, *First*, That altho' (according as we First. have represented, in considering the *second* End of Marriage) if a Man meets with such a Wife, as, from some odious Qualities in her, does rather give his Mind a Bent to unlawful Desires, than any Allay thereof, by compelling himself to frequent Acts of Carnality with her; and consequently that *that* End of Marriage, the avoiding Fornication, as it signifies the *Purity of the Mind*, is not in such Marriage attained; and that it would, for that Reason, be justifiable in the Husband to forbear Cohabitation with his Wife: Yet the Wife being, by such Forbearance,

bearance, render'd liable to Temptation, the Husband ought to cohabit with her, notwithstanding *his* receiving no Benefit thereby, or the Inconveniences accruing to *himself* by such Cohabitation.

But to this it may be said, That the Care of a *Soul* being here the Thing under Consideration, it concerns every Person to provide, *first* for the *Good* of his *own* Soul, and *next* for the Soul of his *Neighbour*: And he may much more reasonably hope, that the Purity of *her* Soul will be preserved by the good Providence of that God, who, by forming her such as she is, has deprived her of that Relief, for which Matrimony was given; than to expect, that in his vainly pursuing what from constant Experience he finds not attainable, he should preserve the Purity of *his own* Soul, in an Action, which, under the Circumstances God has placed him in, he sees no Reason to think God requires of him. And to give any Weight to this Objection, it must be first shewn, that the *Obligation* to Cohabitation is *in force*; but as we have made it appear reasonable to believe, that the Obligation thereto, under such Circumstances as have been represented, *ceases*; then such Cohabitation being no longer a *Duty*, but a meer *voluntary* Act,

Act, we think no Man may, for the preventing of hurt to the Soul of *another*, wilfully, and *uncommandedly* hazard his *own* Soul, by Acts which he perceives to be hurtful to it.

Secondly, That the Apostle having deter- Secondly.
mined in the Case, which of *all others* (as the Objectors would persuade us) seems to carry some Reason for Separation, *viz.* that even *Infidelity* itself (where the Wife by continuing with her Husband may corrupt his Children's Morals) is not a sufficient Cause for putting away the Wife: That therefore *no* Husband may separate from, or forbear Cohabitation with his Wife.

Now, as we have before observed in general, the very great Absurdities, most irreverend to be attributed to the Divine Lawgiver, which would follow from St. Paul's Injunctions being universally binding; so we therefore think that *this*, no more than any of the rest of the Matrimonial Duties is to be *so* taken; but that the Reasons given by the Apostle for *not* putting away an Infidel, do determine in what Cases it *may* be lawful. St. Paul says, if the Heathen Husband or Wife *be pleased* to dwell with the Believer; which Phrase (*be pleased*) seems to intimate a complacent Disposition in such
Heathen

Heathen to render him or herself an acceptable Companion. And the Reasons given by the Apostle, why such Infidel who is so *pleased* to dwell with the Believer, shall not be put away, being, *first*, that the Children of such Marriage are Holy, *i. e.* are born Members of the Christian Church, or by Birth have a right to be initiated thereinto, the heathen Husband being, as to his Issue, sanctified in his Christian Wife, and the Heathen Wife in like manner sanctified in her Husband: And *secondly*, that the Christian Husband may hope to be a Means of converting his Heathen Wife, by continuing to live in a peaceable christian-like Manner with her; and the Christian Wife after the same Manner may save her Husband: The Reasons therefore of such Continuance, being the Hopes of converting the Infidel to the Christian Faith, and thereby the saving of a Soul; and that the Children of such Marriage do naturally receive no Pollution from the Infidelity of their Heathen Parent: We conceive, that when both these Reasons cease, *viz.* that when there is no longer any Hopes of converting the Infidel; and that when the Children, who by Birth have a Right to be of the Christian Church, shall, by the corrupt

rupt Endeavours of their Infidel Parent, be in danger of apostatizing, that then the *Christian* may leave the *Infidel*, when their no longer Continuance together would have the quite contrary Effect to that for which *St. Paul* would have them not to separate. And this we apprehend to be the true Sense of the Apostle, for a Christian not to put away an Infidel, both from the Reasons he gives for their not separating, and from the Expression by him used, of the Husband or Wife *being pleased to dwell*: But that where these two Reasons cease, much more when the contrary to them both is apparent, that then the Obligation of the Apostle's Command, *not to put away the Unbeliever*, does intirely cease.

But be this as it will; we cannot so readily yield to the Opinion of those who urge this, as if *this* were the Case which of *all others* carries the strongest Reason for a Separation: For we think there may be Cases even stronger than this; as will easily be conceived by those who will impartially consider what has been herein already laid down: And for those on whom the foregoing Arguments have made no Impression, it would be an idle Tautology to discuss them over again in this Place.

Thirdly,

Thirdly. *Thirdly*, That by the *Civil* and *Ecclesiastical* Laws of this Land, there are, if not greater, yet at least the same Restraints laid upon Men in the Matter of Divorce, which our Saviour lays. And it being our Duty to submit to the Laws of that Government which the Providence of God has allotted us to be under, we are therefore to acquiesce under those Restraints.

Indeed, if by the Laws of the Land, (of which we own the *Ecclesiastical* Laws, tho' *Popish*, are part, for such Causes as are cognizable by them, while those Laws are not by Parliament abolished) there were but the same Restraint of Divorce or Separation laid, as is laid by our Blessed Saviour and his Apostles, in the true Meaning and Interpretation of their Words, it were right as it ought to be: But if a *greater* Restraint be in our National Laws, either from a wrong Understanding of our Lord and his Apostles, or from a corrupt Church wilfully wresting Scripture, the better to establish Laws promoting any secular End whatsoever; and by our Government having not yet so fully reformed the Practice of our Spiritual Courts, as to abolish, but still act by those *Ecclesiastical* Laws which lay a greater Restraint than God has laid, Persons

sons be deprived of that Redress from *intolerable Evils*, which by the Laws of God *rightly taken*, they might have Redress from: Then we say, that how much soever particular Persons are bound to submit to the Laws of that Nation which the Providence of God has placed them under, while the Legislature of such Nation (for whatsoever Reasons) don't think fit to repeal or alter such Laws; that yet it is just Cause for every pious Christian's Heart, if not openly to complain, yet secretly to bewail, that the Legislative Power doth not regulate their *National* Laws by those of *Christ*, and thereby give room for a *legal* Release from such insupportable Burthens, as the Laws of our *Blessed Saviour* have given a Release from; instead of tying Men down, by an unjustifiable Restraint, under a Burthen not laid on them from *God*. And even while such a Restraint, beyond the Laws of *Christ*, is by the Laws of any Nation laid, we think that the Duty of Subjection to no Humane Law can be such, as to debar Persons, with a good Conscience in the Sight of God, from giving *themselves* such Relief as can be had, consistently with forbearance of any Course or Practice forbidden by *Divine*, or cognizable by *Humane* Laws.

Now, That the Laws of this *Nation*, as they at present stand, do lay a *greater* Restraint than the Laws of *God*, is certain; because, according to our Ecclesiastical Law (which, as has been said, is accounted the Law of the Land in Cases cognizable by it) a Dissolution of the *Bond* of Marriage cannot be, even for Adultery; while yet *such* Dissolutions have not only been within our own Memory, by special Leave of the Legislature, which certainly the Legislature did not grant to those particular Persons, but upon a full Conviction of its Lawfulness by the Laws of Christ to all Christians: but also, such Dissolution might have been obtained in the ordinary Course of Proceedings in our Spiritual Courts, had the afore-mentioned *Canons* been established by Act of Parliament to have been the Law of those Courts; and which altho' never so established, yet shew the received Opinion to have been, in that Time of our Church's reforming herself, by the pure Word of God, from the Corruptions of the Church of *Rome*, that Marriage was not, by the *Laws of the Gospel*, so indissoluble as the Impositions of that *Antichristian Church* had made it; and is still conceived to be, in the general Opinion of the Members of our

own Church, biaſſed by miſtaken Prejudice of Judgment, from the Continuance of our Eccleſiaſtical Courts acting by the Laws of that corrupt Church.

And here, we cannot omit obſerving, how much greater Hardſhips a *Proteſtant* lies under from our Spiritual Courts continuing to act by the *Roman Canon-Law*, than what a *Roman Catholick* lay under, *viz.* that altho' in the *ordinary* Courſe of Proceedings in thoſe Courts, a Liberty of *ſecond Marriage* could not be obtained, yet in the *Roman Church* a Power reſted in the Biſhop of *Rome* to grant a Diſpenſation for ſuch Second Marriage, notwithstanding that Church's eſteeming Marriage to be Sacramentally Indiffoluble; for obtaining of which Diſpenſation, Access might at all Times be had: Whereas to a Proteſtant of this Nation, who owns no Power in that Prelate within theſe Dominions, yet who from Scripture believes Marriage is *Diffolvable*, there remains, after a Divorce for Adultery *à Toro & Menſa*, no Method to obtain a Second Marriage, but by Application to the High Court of Parliament; which, as it has no certain determined Periods of aſſembling, but is wholly at the Will of the Sovereign, both as to the Times of its Meeting, and the

Continuance of its Sessions; so may there be such long Intervals, or such short Sitings thereof, as might in effect intirely deprive the Subject of Opportunity to make such Application, or obtain such Permission, it not being past Memory, what long Intermiſſions of Parliament have been in the Reigns of former Princes, and what Apprehensions in the People, of longer if not a perpetual Cessation of such Assemblies; in which Case, a Protestant Subject could never have obtained that Liberty, which yet, by the Laws of *Christ*, he has an undoubted Right unto.

And altho' it is not our Business to enquire for what Reasons our Law-givers have never yet thought fit to give a *general Permission* for putting away of Wives for Adultery, and marrying again after such putting away; nor doth it become a Person of our private Rank and Station to presume to lay our Sentiments before that August Body: yet we conceive, that the Legislature's keeping that *Special Leave* in its own Power (how wisely soever it acts in so doing) cannot be for the Reason some Learned Men do conjecture, " That if Divorces even for "*Adultery* were trusted in any other, they "*should become in a short Time as scandalously*

“lously common as they were in our Blessed Lord’s Days;” because it cannot be presumed that the Legislature could ever esteem itself Wiser than the God of Wisdom, who yet, when he vouchsafed to be himself a Legislator to his Elect People, did not think fit, for the avoiding that Licence which his Omniscience must foresee would happen, because in fact it did happen in practice among that People, to forbear giving such a *General Law* to his People, of which Law the *common Courts* of Justice, if not the *particular Persons interested* were to have the executive Power.

And whoever rightly considers, will soon find it to be a Mistake, that the *Scandalousness* of Divorce amongst the *Jews* in our Saviour’s Time, for every trifling Cause, proceeded from a *General Law* having been granted by *Moses* for Divorce, and from the Executive Power thereof having been vested either in the *Ordinary Courts*, or in the *Husband himself*; when in reality, the Source of all their scandalous Practices lay *not in that*, but in the *false Interpretations* put upon that Law by their Rulers, the Expounders of their Law, the Scribes and Pharisees, who had, by their Expositions, perverted it to such Causes as were never

by their Legislator intended to be by that Law granted, and in those false Expositions having been received as the true Meaning thereof, by such as had the Executive Power of that Law: And while their Law stood *ſo* expounded, the like scandalous Practices would have been, had the Execution of the Law reſted only in their Supreme Court, the *Great Sanbedrin*: And, on the contrary, without the Help of thoſe false Gloſſes (which, as we have ſaid, were made by their *Rulers*, not by the *People*) ſuch scandalous Practice would not have been, whereſoever the Executive Power had been intruſted. And therefore, ſhould a *General* Law be now made, impowering the Inferior Courts of this Nation to grant that Liberty of ſecond Marriage after Adultery, which is granted by the Goſpel, we think no ſuch *ſcandalous* Conſequences could follow in *this Nation*, as did amongſt the *Jews*, both for the Reaſon already given, and likewise, that we ſeldom find our Inferior Courts of Juſtice to deviate ſo far from the true Senſe of any Act of Parliament, as hath any parity with the Corruptions in matter of *Divorce* among the *Jews*: Or could they be ſuppoſed ſo to do, they would be conſtantly under the Comptroul of the Legiſlature,

ture, to regulate and reform whatever ill Practice might, in Process of Time, arise therefrom ; of which Legislature, every Prelate of our Church being a Member, any scandalous Practice, contrary to the true and pious Intent of such Law, could not long escape unperceived, and redressed by the Legislative Power.

And in Truth, whatever the bad Consequences may be, of letting the *offending* Party Marry again, if People on both Sides grow weary of each other ; yet if the *Bond*, the *Vinculum Matrimonii* be by the Laws of God *dissolved*, each Party being free, may Marry again ; and the Consequences are to be trusted to the All-wise Disposal and Permission of that God, who foresaw whatever bad Consequences could follow, either from the Liberty now granted under the *Gospel*, or that Liberty (whether the same or greater) which was formerly granted under the *Law*. And such hath been the Opinion of our Legislators, who have not thought it a sufficient Reason against even the *offending* Party, in those Particular Laws they have past for the Dissolution of Marriages, by all of which, equal Permission was given to the *Guilty* as well as *Imnocent* Party to Marry again. And well was such their Permission

St. Matt.
v. 32.

grounded on the Laws of Christ, whereby it is clear that even the *offending* Party may, after a legal Divorce, Marry again; for when our Lord says, that *whoso Marrieth her (the offending Party) which is put away (except it be for Fornication) committeth Adultery*; it is concluded, that if a Man Marrieth a Woman who is put away for Fornication, he does not commit Adultery. And the only Reason that the Composers of the aforesaid Canons could have, to confine the Liberty of second Marriage to the *Innocent Party* (if so they did) must be, to hinder that Wickedness which, through a vehement carnal Desire of change, a licentious Person might wilfully commit, in order to attain his unlawful Ends, if thereby he could be set at Liberty to pursue them; and therefore, both for prevention of such Crime, and as a Punishment thereof if committed, although the Bond of his former Marriage was in strictness, by the Laws of God dissolved, yet as it had not been dissolved but by his own wilful Transgression, they, by those Canons, took from him that Liberty, which only his own actual voluntary Sin had led him into, and which, without such his Sin, he had been restrained from: Which as it is the only Reason that could induce those

those Reformers to take away that Permission from the *Offending*, so can it in no respect vindicate a denying that Liberty to the *Innocent Party*. And if the bad Consequences which may follow, *even* from a Collusion between the Parties, were to be consider'd so far as to deny the Liberty given, by the Laws of Christ, it would hold as strongly against the Legislature's granting any *Special Leave*, as against a *General Law*, saving that the Execution of such General Law would rest in the Inferior Courts, more liable to Corruption than the High Court of PARLIAMENT can be imagined capable of; which yet could make no great variation in the Inconveniencies of such Collusion, which might be so artfully managed by both the Parties, as to be as much out of the reach of the Legislature, as of the Inferior Courts, to discover or detect.

Fourthly, It is said by St. Paul, that *Fourthly. the Time is short*. And from thence, some, ^{1 Cor. vii. 29.} not duly considering to what the Apostle chiefly pointed by those Words, would draw an Argument to bear patiently *whatever Afflictions* are met with in *Wedlock*, without seeking any Release therefrom.

But

But this doth not seem to be the Apostle's Meaning: His principal Intent, in urging the *shortness of our Time*, seems to be, to preserve the Minds of Christians in a *general Looseness and Indifferency towards all Temporal Concerns*, rather than as an Argument to forbear seeking such Relief as might be innocently had from Afflictions arising *peculiarly* from the *Married State*, to which it is no more particularly applied by him, than to whatever Crosses and Uneasinesses we meet withal on other Accounts: And doubtless *so*, the Consideration of the shortness of our Pilgrimage through this World, and the Hopes of an Eternal Life of Happiness, is a very persuasive and comfortable Argument, both in Religion and Reason, to undergo patiently whatever Trials the Providence of God sees fit to Exercise us with. But before this can, on sure Grounds of Comfort, be applied to any *particular Case*, we are to consider the *Nature* of the Evil befallen us; which if it be *such* as we cannot innocently seek a Redress from, whether the Evil come from the Appointment or Permission only of God, we are *then* to exercise that *Patience* in doing and suffering the Will of God, which the Apostle tells us we *have need of*, in order to *inherit the Promises*,

Promises, and which Promises we may in that Case comfortably hope for, *when the Times of refreshing shall come*: But if the Acts iii. 19 Evil we meet with, be what we can unblameably be delivered from; then it is so far from the Virtue of Patience, to continue under it, in hopes of a future Reward of our Sufferings, that it becomes the Sin of Presumption, to expect the Divine Providence to support us under an Affliction which he has otherwise furnished us with a Redress from, and which our wilfully neglecting to accept of, or fly to, is *tempting*, not *trusting* him. And although it be our Duty to exercise our Patience under such kind of Crosses and Troubles we meet withal in Wedlock, as we do not find to be justifiable Grounds for Separation, rather than separate for every trifling Cause of Distaste, as the *Jews* blameably did of old; yet as in the *Body* there are such Diseases and Infections as will unavoidably destroy it, being so violent as that that Natural Disposition of the Body which is absolutely necessary to continue the vital Union of the Soul to it, can no longer be conserved: So there may be such extreme Degrees and Excesses of those Passions and Affections to which the *Mind* of Man is liable, as may be above the present Frame

of

of our Souls to bear; and under *such*, we conceive we are rather to seek for such Relief as we can reasonably think the Divine Mercy has furnished us with, than reckon it our Duty to strive to undergo what the Patience of humane Nature was never, by the Author of Nature, adapted to. *And those who teach, that because without Trials there would be no need of Patience, therefore in all Trials we are to have recourse only to that Remedy; talk more like Stoicks, a Sect whose Doctrines receive no Countenance from any Precept or Pattern of our Saviour, than like Men begirt with such innocent Frailties, as God himself did not disdain to suffer his Humanity to be Subject to, when he became Man.*

Fifthly.

Fifthly, The Power over each others Body, mentioned by St. Paul, although taken by some for a Proof of the Indissolubleness of Marriage, yet is by others with as great Reason understood to be spoken as a Prohibition of *Polygamy*, that the Power which either hath over the other's Body, denotes a *sole* Power in him or herself, and to express that the said Power is not to be in Partnership with others, as in Case of *Polygamy* it would be: Or if that Power is to be taken strictly and literally, of an absolute

solute Power of either Party over the Body of the other, might, and probably would by some be so arbitrarily exercised, as might be inconsistent both with Reason and Religion, in many Cases which cannot be modestly Particularized; and therefore must *not* be understood *absolutely* and *restrictively*.

Sixthly, The much esteemed Dr. *Hammond*, as through his whole Discourse of Divorce, in his Practical Catechism, he seems to look on *Marriage* as solely respecting the *Body*, exclusive of that Society, Help and Comfort of *Mind*, which our Church mentions as *one* End, and which we have shewn to be the *chief* End thereof; but which that Reverend Divine is pleased to pass over unregarded: So, conformably to such his Conception, he hath something so singular, as deserves particular Notice. For, after telling us there can be *no Cause* produced, so *justifiable* for Divorce as *Adultery*, he adds, that “ the Inconvenience of
 “ living with a Wife who has been *false*
 “ to the *Bed*, is beyond even that of living
 “ with one who has *attempted* the *Life* of
 “ her Husband.” For support of which Position, he quotes the Words of *Solomon*,
 “ *Love is strong as Death; Jealousy is*
 “ *cruel as the Grave; the Coals thereof are*
 “ *Coals*

Sixthly.

Sol. Song
viii. 6.

" *Coals of Fire, which hath a most vehe-*
 " *ment Flame.*" And thence argues, " that
 " a continual Jealousy *thus* caused, makes
 " a Man's Life a very Hell, far worse than
 " Death, especially than the meet Danger
 " of Death, and that tho' she hath repented
 " of her Falseness, and the Husband be sa-
 " tisfied that she hath so, the Disgrace
 " thereof will be yet more unsupportable
 " than that possible Danger of losing his
 " Life: Whereas tho' the Wife have at-
 " tempted the Life of her Husband, yet it
 " being not acted, the bare Attempt is not
 " so punishable as the Act, and may by
 " Repentance be repaired again, and the
 " rest of the Life be the more happy and
 " comfortable with such a Penitent Wife:
 " that Christianity commands us to condemn
 " Life when it comes in Competition with
 " Obedience to Christ, which here it doth
 " or may do, Christ commanding not to
 " divorce for any Cause but Fornication:
 " That if a Man did thus die by the Hands
 " of his Wife, it were Martyrdom, which
 " is the greatest Preferment of a Christian;
 " and being it is but Danger, not certain
 " Death, we may well trust our Lives in
 " God's Hands by doing what he bids us,
 " and

"and think them there safest when so
"ventured."

These are the Doctor's Arguments. Which in respect to the just Esteem the World has for the Memory of his great Learning and Piety, and the Obligation of Charity to cast a Vail over the involuntary Defects and Mistakes of the Dead, we choose rather to leave to the Reader to make such Observations and Reflections upon, as he shall judge such Positions lie open to; than to give such Answer as they would naturally lead us to. We shall therefore only observe, First, that as the Doctor's Opinion is contradictory to an Assertion, which is admitted for Truth by the God of Truth, altho' laid down by the Father of Lies, *Skin for Skin, and all* Job ii. 4. *that a Man hath will he give for his Life.* So is it directly opposite to the Opinion of those great Men who composed the aforementioned Canons of King Edward the Sixth: By which, for an Attempt of one Party upon the Life of the other, both a Divorce and a Second Marriage might be had, *as being (say those Canons) a greater Injury than can be done either by Desertion, or Adultery; nor can there any Conjugal Society be between those that have been in* fear

fear of their Life from one another; being then they cannot be together, it is fit, according to St. Paul's Doctrine, that they should be parted. — And both in this, and in the other Crimes before-mentioned, we will have this observed, that the Innocent Divorced may, if they please, choose a Second Marriage. — Majorem enim conjugii facit injuriam Persona, quæ Salutem & Vitam oppugnat, quam ea quæ Consuetudine se conjugis eximit, aut Corporis sui Potestatem alteri facit. Nec inter illos ullum Consortium esse potest, inter quos capitale Periculum cogitari cœpit & metui. Cum igitur unâ non possunt esse, juxta *Pauli* Doctrinam dissolvi par est. — Et cum in hoc, tum in his superioribus delictis hoc teneri placet, ut Solutæ Personæ novas (si velint) Nuptiarum

Secondly. conditions legant. Secondly, We observe, that as the Doctor, in his State of Celibacy, could make no Judgment of the Comforts or Afflictions of Marriage; from experience, but solely from what Speculative Ideas he had framed to himself thereof; so is it not to be wonder'd at, that he never enter'd into a State of Life, of which he seem'd to have no Conception, but of the *meanest* of its Purposes. And, Thirdly, We observe, that the Truth of what we are contending for,

for, of the Lawfulness of a Redress from *other* Evils of Marriage, besides those of *Adultery* or *Desertion*, is of such force, as to shine forth through the Doctor's *own* Ideas of Marriage, how much soever by him restrained to Carnality: for by his allowing the Jealousy arising from the Wife's Adultery, altho' repented of, to make a Man's Life a meer Hell, he unawares admits *some kind of Torment* to be insupportable to a *Husband's Mind*: If then, instead of confining *all* Torment of Mind in Marriage, to that one *Carnal* Cause, as he has done, we extend it (as with great Reason we may) to *other* Causes (and particularly to the *very Cause* by him mentioned, *the Danger of the Husband's Life*) as much more opposite to the Peace and Comfort of a Husband's *Mind*, than that which relates to the *Body* only, our Argument is supported even by this Reverend Divine, tho' probably not intended by him: For let the Torment of a Husband's Mind, from the Jealousy, or Conviction rather, of his Wife's Unfaithfulness, be never so great; yet we can never yield, that with regard to *the Man himself*, that Torment can be greater than what his Mind may be oppress'd with from other Causes: Or where *that* is the greatest Tor-

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ment a Mind can, *with respect to itself*, be susceptible of, it must be a Mind abandon'd to Sensuality: *To itself* we say, for that the tormenting Considerations arising in a Man's Mind, with respect to the spurious Issue of his Wife's Adultery, is what affects the Husband's *Posterity* or *Family*, and not (strictly speaking) *himself*, otherwise than as it touches that Affection of Mind he bears to *those Relatives*: But few or none probably there be, that when they imagine themselves to bear a greater Affection for their most Dear Relatives than for themselves, will find it more than a Fallacy and Deception of Thought, if they sit into the very Foundation and Bottom thereof; nor, were it so, could it be any Virtue, because not required by Scripture or Reason, 'In the Former whereof, the Love of *ourselves* is set as the Standard or Exemplar for our Love of *others*, and therefore must be equal, if not superior thereto.

Conclu-
sion.

To conclude, with a brief Summary of what has been said. A *Wife*, according to the *Hebrew*, is to be understood of a *good Wife*, as a great Divine of our Church tells us, and instances from Prov. xviii. 22. *Whoso findeth a Wife (that is a good Wife) findeth a good Thing.* To intimate (says he) that

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an *evil* Wife is *no* Wife at all, nor doth she deserve that honourable Appellation. And in all Reason so it is, that as far as she is naturally incapable to act as a Wife, so far she ceases to be such, and if totally incapable, the Husband seems in such Case, *from the Nature of the Person*, to be released: Or if, by an habitual undutiful Deportment, and Perverfeness of *Will*, she omits every Duty of a Wife, has no regard to her *Marriage Vows*, she seems, in such Case, *virtually*, if not *expressly* to desert or depart, and thereby release her Husband, who is then, according to the Apostle, *not under* ^{1 Cor. vii. 15.} *Bandage*.

Where then, a Man who enters into Marriage upon a full and deliberate Consideration of the Duties he is thereby to take upon himself, and pursues that Consideration, by very assiduous Endeavours, both to perform his own Part, and also, in all the Ways he can conceive to be most likely, to mould his Wife into the undertaking and discharging the Duties incumbent on her Part, yet meets with One, whose both *Temper of Mind*, and *Weakness of Capacity*, are such, as with whom, after many Years Tryal, he finds *every End* of Marriage is so far from being in any degree attainable,

that the Reverse of them *all* is inevitable, *viz.* *First*, that she is not only totally incapable of *bringing up her Children in the Fear and Nurture of the Lord, and to the Praise of his Holy Name*, or of taking care of them in any *Temporal* Respect; but Endeavours, or at least endangers the Corruption of their *Morals*, by the evil Notions she infuses into them, to the Hurt both of their Souls and Bodies. *Secondly*, that she has such odious innate Qualities, as check all complacent Desire towards her; and are rather a Snare and Temptation to lead a Man into some Irregularity of Mind, in compelling himself to frequent Cohabitation with her, than any Remedy against *Fornication* in the true *Gospel Sense* thereof. And, *Thirdly*, that she is so far from endeavouring to be any *Society, Help, or Comfort* to him, as that she makes herself the direct contrary to each and every of them: By all Rules of Reason it must of consequence follow, that *such* Woman cannot deserve the Honourable Appellation of a *Wife*.

And when we consider, that before the giving of any *Written Law*, both *Polygamy* and *Divorce* were the Practice of God's *best* People, who being nearest to the Time of the Institution of Marriage, were most likely

likely to know the true Intent thereof; and by whose Practice only it is, both that we can now attain to any Knowledge of what was the most ancient Understanding of the *Nature* and *Force* of that Ordinance, and also may from that their Practice justly conclude, that either Polygamy and Divorce were consistent with the *Original* Institution, or that they were granted by some immediate Discovery of God's Will to them, however now unknown to us in what Manner 'twas revealed.

And that when a *Written Law* was first given, a Diffolution of the *Bond* of Marriage, was therein Enacted for *more* Causes than *Adultery*: and this, not to gratify the irregular exorbitant Desires of a *hard-hearted* People, but as a *merciful Remedy* for insupportable Burthens, incompatible with the chief Ends of Marriage, in its *true Intent* and *Design*.

That the same was again confirmed by the Prophet *Malachy*; and put in Practice by the People of *Israel*, at the Instigation of the Reviver of their Law, the Prophet *Ezra*, and this the more remarkably, for being done at the *very time* when their Temple was but just rebuilt, and that Prophet was re-establishing them in the Practice
of

of their Ancient Original Laws deliver'd to their Forefathers from God by *Moses*.

That, under the *Gospel Dispensation*, our Blessed Lord himself declares the *Bond* of Marriage to be *Dissolvable*; and, in the most probable Understanding of his Words, allows that Dissolvableness to be for *more* Causes than *Adultery*: And that his Great Apostle *St. Paul* does expressly allow a Dissolution of the *Bond* to be in *one* other Case than *Adultery*, viz. for *Desertion*.

That, by Analogy of Reason, it should thence follow, that when so *full* a Remedy as a Second Marriage is granted for the Evils of *Adultery* and *Desertion*, *some* Redress should be had for *other* Evils, as inconsistent with *some* of the Ends of Marriage, as those two Crimes are with *others* of its Ends: And that (notwithstanding the Corruptions of the *Roman Canon-Laws*, which for the Sake of Papal Dispensations, and the filthy Lucre which thereby that Church acquired, the Dissolution of Marriage was abrogated even in case of *Adultery*, save where by such Dispensation it could be procured; and that, through a Defect in our Reformation, our Ecclesiastical Courts continuing to act by the Laws of that Church, an Opinion is thence still kept up,

up, of the Indissolubility of the Bond of Marriage; but yet that) at the happy Time of our Church shaking off the Usurpations and Corruptions of that depraved Church, and reforming herself by the unerring Written Word of God, it was the Opinion of our Reformers, that the Bond of Marriage was dissolved, not only by *Adultery* or *Desertion*, but by *Cruel Usage*, and by an *Attempt* of the one Party upon the Life of the other: And that altho' the Canons composed in that Time of our Reformation, were never established by Act of Parliament to be the standing Law of our Spiritual Courts, yet such hath been the Opinion of our Legislature, that for *Desertion* after a certain Distance of Time, a *Second Marriage* is allowable by the ordinary Course of Law; and that (while for Reasons not belonging to us to enquire into, why it has not yet thought fit to grant a *General Permission* of Divorce, yet) in *special Cases* it hath granted a *Second Marriage* even to the *offending Party*, in the Case of *Adultery*; and that for *Hard Usage* it hath granted a Power to even the *Inferior Party*, the *Suffering Wife*, to live in Separation, from under the Subjection of the *Superior*, the *Husband*.

That in stating the *Relative Duties* of the Married

Married State, by the Apostles of our Lord, in their several Epistles, those Apostles are to be taken as speaking of the *State of Marriage* in *general*, and *not* as declaring an Obligation to those Duties in *all Cases*, under whatsoever concurrence of *Circumstances* may happen in *particular* Marriages; and much less as defining *what* are the Exceptions which may be from their General Rules.

And that in how positive, express, and full Terms soever, any Duty is laid down in Holy Scripture, yet is it to be understood with such necessary Restrictions and Limitations as arise from the *Reason* of the *Command*, and the *Nature* of the *Subject Matter*.

These Things considered, and duly weighed; we think we may justly and piously conclude, That a *Marriage* cannot be esteemed to *exist*, when *none* of its *Ends* are *attainable*; and that the *Duties* of that State *cannot* be obligatory on a Person under a *moral Impossibility* of paying them, that Impossibility arising *not* from any Fault of the Party himself: And that therefore, altho' by the standing Laws of the Land, a Man cannot be separated from the most intolerable Wife, by obtaining a *Legal Dissolution*

solution of the Bond, yet that in good Conscience he may in such Case separate himself, so far as that can be without incurring any Legal Penalties from the Laws he lives under Subjection to: And that, when from incurable Weakness of Mind a Woman *cannot*, and from perverse Stubborness of Spirit she *will not* pay any of that Subjection, Submission, Obedience or Reverence which is enjoined her, and which by her Marriage Vows she has bound herself unto: When the *Love* commanded the Husband, cannot (through some invincible Impediment in the Wife) be wrought in him; when the *Benevolence* required of him, cannot (for the like Cause) in the *true Sense* thereof be paid: That then a Man may piously believe, that *as to him* those Duties are not obligatory, and that *as to him* St. Paul does 1 Cor. vii. not speak *to cast a Snare upon us, but for* ^{35.} *that which is comely*; and that, if by continuing with such a Wife, we cannot *attend upon the Lord without Distraction*, that then, instead of glorifying him by vain Endeavours after more than he requires, because more than according to the very Frame of our Natures in their Original Composition we can do; it will be rather to the Glory of his Mercy and Goodness to live chaste,

1 Cor.
vii. 15.

chaste, pure, and separate in that *Peace* to which the *God of Peace* seems, under such Circumstances, to have, in his Great Compassion, called us. And whatsoever the World shall judge, who in such Concerns can hardly dive so thoroughly into all the secret Springs, and continual Movements, which can only be known to God, and the Party himself, and which yet must necessarily be known, to judge justly therein; when a Man does thus separate himself, we

Rom. xiv.
4.

are not to judge another Man's Servant, who is to stand or fall to his own Master, according to the Sincerity of his own Mind and Heart, and therefore needs reckon it

1 Cor. iv.
3, 4.

but a very small Thing to be judged of Man's Judgment, for he that judgeth him is the

Ver. 5.

Lord, who, when the Time comes, will both bring to light the hidden Things of Darkness, and will make manifest the Counsels of the Heart. And if, after the most

Ver. 5.

diligent Endeavours to inform his Conscience aright, the Counsels of that Man's Heart have been sincere and upright, he shall then have Praise of God: And in the mean

1 John
iii. 21.

while, if his Heart condemn him not, he may, notwithstanding whatever Judgment the World shall pass on him, have Confidence towards God.

F I N I S.